

# **LAWS *of* MISSOURI**

Passed at the  
Second Regular Session  
of the  
**SEVENTY-NINTH GENERAL ASSEMBLY**

Second Regular Session Which Convened at the City of Jefferson, Wednesday, January 4, 1978 and Adjourned Monday, May 15, 1978.



*Published by*  
**JAMES C. KIRKPATRICK**  
Secretary of State

In Compliance with Section 2.030, Revised Statutes of Missouri, 1969

and

Senate Concurrent Resolution No. 4

Seventy-Ninth General Assembly

## Authority for Publishing Session Laws and Resolutions

**Section 2.030, Revised Statutes of Missouri, 1969.**—General Assembly to provide for printing and binding of laws.—The sixty-fourth general assembly and each general assembly thereafter, whether in regular or extraordinary session, shall by concurrent resolution adopted by both houses, provide for collating, indexing, printing and binding all laws and resolutions of the session and all measures approved by the people since the last publication of the laws and resolutions in the manner directed by the resolution. The general assembly may by concurrent resolution require that all laws passed by the general assembly and all resolutions adopted prior to any recess of the general assembly for a period of thirty days or more shall be collated, indexed, bound and distributed as provided by law, and any edition published pursuant to the concurrent resolution is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

**Section 2.040, Revised Statutes of Missouri, 1969.**—Duties of Secretary of state in printing and binding.—The secretary of state shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of such laws and resolutions, giving the date of the approval or adoption thereof for printing in accordance with directions of the general assembly as given by concurrent resolution. When the secretary of state is required by concurrent resolution to collate, index and cause to be printed and bound the laws, resolutions and constitutional amendments, he shall compare the proof sheets of the printed copies with the original rolls, note all errors which have been committed, if any, and cause errata thereof to be annexed to the completed printed copies, and shall insert therein an attestation under his hand that he has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in his office and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in his office.

### Senate Concurrent Resolution No. 17.

BE IT RESOLVED by the Senate of the Seventy-ninth General Assembly, the House of Representatives concurring therein, that the Secretary of State of Missouri shall prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Seventy-ninth General Assembly, Second Regular Session and extra sessions, if any, and shall examine the printed copies and compare them with and correct the same by the original rolls and note all errors, if any, which have been committed and cause errata thereof to be annexed, together with an attestation under the hand of the Secretary of State that he has compared the same with the original rolls in his office and has corrected the same thereby.

The size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Secretary of State.

There shall be printed and bound two thousand five hundred copies of the acts and resolutions of the Seventy-ninth General Assembly with appropriate indexing.

**Section 125.020, Revised Statutes of Missouri, 1969.**—All amendments proposed to the Constitution of the state of Missouri by the General Assembly shall be published with the laws of the session at which they are proposed.

**Section 126.030, Revised Statutes of Missouri, 1969.**—The secretary of state shall cause every such measure so approved by the people to be printed with the general laws enacted by the next ensuing session of the general assembly, with the date of the governor's proclamation declaring the same to have been approved by the people.



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## ATTESTATION

STATE OF MISSOURI       )  
                                  ) ss.  
City of Jefferson        )

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, hereby certify that I have collated carefully the laws and resolutions passed by the Seventy-ninth General Assembly of the State of Missouri, convened in first regular and first extra session, as they are contained in the following pages and have compared them with the original rolls and have corrected them thereby. Black side headings are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this 9th day of February A. D. nineteen hundred and seventy-nine.

JAMES C. KIRKPATRICK  
Secretary of State

## EFFECTIVE DATE OF LAWS

Section 29, Article III of the Constitution provides:

"No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-third vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

The Seventy-ninth General Assembly, Second Regular Session, convened January 4, 1978, and adjourned May 15, 1978, and under the above quoted constitutional provision all laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) become effective ninety days thereafter or on August 13, 1978.

## JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

"All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. . . . If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment

at the same election shall be so submitted as to enable the electors to vote on each amendment separately."

The Seventy-ninth General Assembly, First and Second Regular Sessions, passed eleven Joint Resolutions, two were adopted at the primary election August 8, 1978 and became effective September 7, 1978. Six more were adopted at the general election November 7, 1978 and became effective December 7, 1978.

\* \* \* \*

The headnotes used to describe sections reported herein may not be identical with the headnotes which will appear in the Revised Statutes of Missouri, 1979. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section, and every attempt has been made to follow the style used by the Revisor of Statutes in previous revisions of the statutes.

# Laws Passed by the Seventy-ninth General Assembly (Second Regular Session)

[H. B. 1001]

**APPROPRIATIONS:** University of Missouri, State Board of Education and State Board of Fund Commissioners.

**AN ACT** to appropriate money from the State Seminary Moneys Fund, for the use of the University of Missouri; from the Seminary Fund, for the use of the Curators of the University of Missouri; for investment in registered bonds; from the State Public School Fund to the State Board of Education, for investment in registered bonds; from the Second State Building Bond Interest and Sinking Fund, for the use of the State Board of Fund Commissioners for the payment of Interest and Sinking Fund requirements of the Second State Building Bonds; to the Board of Fund Commissioners for the cost of processing State Building Bonds and Water Pollution Control Bonds; as provided by law; to include payments from the Water Pollution Control Bond and Interest and Sinking Fund for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 1.010.** To the Board of Fund Commissioners  
For the payment of interest and sinking fund requirements on the  
Second State Building Bonds as provided by law  
From the Second State Building Bond Interest and Sinking  
Fund ..... \$4,453,313E

**Section 1.020.** To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on the water  
pollution control bonds as provided by law  
From the Water Pollution Control Bond and Interest Fund ..... \$5,645,993

**Section 1.025.** To the Board of Fund Commissioners  
For payment of interest and sinking fund requirements on the water  
pollution control bonds as authorized under Senate Bill 499, an  
act of the 79th General Assembly, Second Regular Session  
From the Water Pollution Control Bond and Interest Fund ..... \$2,282,000

**Section 1.030.** There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Five Million, Six  
Hundred Thirty-Three Thousand, Five Hundred Five Dollars  
to the Water Pollution Control Bond  
From General Revenue Fund ..... \$5,633,505

**Section 1.035.** There is transferred out of the State Treasury,  
chargeable to the General Revenue Fund, Four Million, Five  
Hundred Sixty-Four Thousand Dollars to the Water Pollution

Control Bond and Interest Fund as authorized under Senate Bill 499, an act of the 79th General Assembly, Second Regular Session

From General Revenue ..... \$4,564,000

**Section 1.040.** To the Curators of the University of Missouri

For the use of the University of Missouri

From the State Seminary Moneys Fund, income from investments in bonds ..... \$150,000

**Section 1.050.** To the Curators of the University of Missouri

For investment in registered federal, state, county, municipal, or school district bonds as provided by law

From the State Seminary Fund ..... \$1,000,000

**Section 1.060.** To the State Board of Education

For investment in registered federal, state, county, municipal, or school district bonds as provided by law

From the State Public School Fund ..... \$1,000,000E

**Section 1.070.** To the Board of Fund Commissioners

For expenses incurred in processing of state building bonds and water pollution control bonds

From General Revenue Fund ..... \$20,826

Approved April 3, 1978.

[C. C. S. H. B. 1002]

**APPROPRIATIONS:** State Board of Education and Department of Elementary and Secondary Education.

AN ACT to appropriate money for the expenses, grants, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education, and to transfer money from the General Revenue Fund to the State School Moneys Fund for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 2.010.** To the Department of Elementary and Secondary Education

For Career and Adult Education

Personal Service ..... \$58,971

Expense and Equipment ..... 43,951

From General Revenue Fund ..... 102,922

Personal Service ..... 1,212,502

Expense and Equipment ..... 414,428

From Federal Funds ..... 1,626,930

Personal Service ..... 364,809

# APPROPRIATIONS

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Expense and Equipment .....	113,775
From State School Moneys Fund .....	478,584
Total (Not to exceed 103 F.T.E.) .....	\$2,208,436
<b>Section 2.020. To the Department of Elementary and Secondary Education</b>	
For distribution to public educational institutions providing programs in vocational education	
From Federal Funds .....	\$18,320,000
From State School Moneys Fund .....	17,616,585
Total .....	\$35,936,585
<b>Section 2.030. To the Department of Elementary and Secondary Education</b>	
For matching funds from federal and other sources for the construction and equipping of vocational area schools at Washington in Franklin County and in St. Louis County	
From General Revenue Fund .....	\$2,100,000
<b>Section 2.040. To the Department of Elementary and Secondary Education</b>	
For distribution to public educational institutions providing programs in adult basic education	
From General Revenue Fund .....	\$531,985
From Federal Funds .....	2,249,945
Total .....	\$2,781,930
<b>Section 2.050. To the Department of Elementary and Secondary Education</b>	
For distribution to agencies providing skill training programs under the Comprehensive Employment and Training Act	
From Federal Funds .....	\$12,000,000
<b>Section 2.060. To the Department of Elementary and Secondary Education</b>	
For the implementation of a statewide testing and screening program for students at the elementary and secondary levels of education	
From General Revenue Fund .....	\$305,720
<b>Section 2.070. To the Department of Elementary and Secondary Education</b>	
For administering the Department's programs of vocational rehabilitation and disability determination	
Expense and Equipment	
From General Revenue Fund .....	\$20,417
Personal Service .....	6,884,975
Expense and Equipment .....	3,025,350
From Federal Funds .....	9,910,325
Total (Not to exceed 523 F.T.E.) .....	\$9,930,742

**Section 2.080. To the Department of Elementary and Secondary Education**

For implementing a program of vocational rehabilitation

From General Revenue Fund ..... \$4,959,250

From Federal Funds ..... 17,419,698

**Total** ..... **\$22,378,948**

**Section 2.090. To the Department of Elementary and Secondary Education**

For implementing a program of disability determination

From Federal Funds ..... \$3,898,829

**Section 2.100. To the Department of Elementary and Secondary Education**

For General Administration and Instruction

Personal Service ..... \$52,870

Expense and Equipment ..... 27,873

From General Revenue Fund ..... 80,743

Personal Service ..... 1,944,128

Expense and Equipment ..... 851,146

From Federal Funds ..... 2,795,274

Personal Service ..... 1,154,764

Expense and Equipment ..... 318,840

From State School Moneys Fund ..... 1,473,604

**Total (Not to exceed 197 F.T.E.)** ..... **\$4,349,621**

**Section 2.110. To the Department of Elementary and Secondary Education**

For distributions of money to the free public schools under the foundation plan as provided for by H.B. 131 of the 79th General Assembly

From State School Moneys Fund ..... \$526,839,713

**Section 2.120. To the Department of Elementary and Secondary Education**

For State School Building Aid to Reorganized School Districts

From General Revenue Fund ..... \$300,000

**Section 2.130. To the Department of Elementary and Secondary Education**

For the purpose of paying advisors' salaries as provided in Section 169.580 RSMo 1969, pertaining to the Special School Advisors—Retirement Supplement Program

From General Revenue Fund ..... \$312,000

**Section 2.140. To the Department of Elementary and Secondary Education**

For School Food Services

From General Revenue Fund ..... \$4,095,564

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From Federal Funds .....	49,176,000
Total .....	<u>\$53,271,564</u>
<b>Section 2.150. To the Department of Elementary and Secondary Education</b>	
For the Elementary and Secondary Education Act—Title I	
From Federal Funds .....	\$50,711,500
<b>Section 2.160. To the Department of Elementary and Secondary Education</b>	
For Learning Resources, Innovation, Special and Support Programs	
From Federal Funds .....	\$7,500,000
<b>Section 2.170. To the Department of Elementary and Secondary Education</b>	
For Special Education Programs for the handicapped	
From Federal Funds .....	\$12,701,224
<b>Section 2.180. To the Department of Elementary and Secondary Education</b>	
For payments to readers for blind or visually handicapped students in elementary and secondary schools	
From State School Moneys Fund .....	\$18,000
<b>Section 2.190. To the Department of Elementary and Secondary Education</b>	
For the Department's highway safety program	
From Federal Funds .....	\$285,830
<b>Section 2.200. To the Department of Elementary and Secondary Education</b>	
For the purpose of paying expenses as provided in Section 162.151 RSMo., 1969, pertaining to the County School Board Expenses	
From State School Moneys Fund .....	\$6,000
<b>Section 2.210. To the Department of Elementary and Secondary Education</b>	
For the Missouri Special Olympics Program	
From General Revenue Fund .....	\$65,000
<b>Section 2.220. To the Department of Elementary and Secondary Education</b>	
For the Prevention of Crime, Violence and Vandalism Program	
Personal Service .....	\$28,032
Expense and Equipment .....	<u>104,568</u>
From General Revenue Fund	
(Not to exceed 2 F.T.E.) .....	\$132,600
<b>Section 2.230. To the Department of Elementary and Secondary Education</b>	
For the Missouri School for the Deaf	
Personal Service .....	\$206,924
Expense and Equipment .....	<u>72,500</u>
From Federal Funds .....	279,424



Personal Service .....	1,608,264
Expense and Equipment .....	452,225
From State School Moneys Fund .....	2,060,489
Total (Not to exceed 202 F.T.E.) .....	\$2,339,913
Section 2.240. To the Department of Elementary and Secondary Education	
For the Missouri School for the Deaf	
From the School for the Deaf Trust Fund .....	\$32,000
Section 2.250. To the Department of Elementary and Secondary Education	
For the Missouri School for the Blind	
Personal Service .....	\$249,717
Expense and Equipment .....	43,231
From Federal Funds .....	292,948
Personal Service .....	1,231,125
Expense and Equipment .....	335,471
From State School Moneys Fund .....	1,566,596
Total (Not to exceed 136 F.T.E.) .....	\$1,859,544
Section 2.260. To the Department of Elementary and Secondary Education	
For Missouri School for the Blind	
From the School for the Blind Trust Fund .....	\$650,000
Section 2.270. To the Department of Elementary and Secondary Education	
For training of blind and deaf children	
From General Revenue Fund .....	\$90,000
Section 2.280. To the Department of Elementary and Secondary Education	
For State Schools for Severely Handicapped Children	
Personal Service .....	\$5,155,961
Expense and Equipment .....	5,085,634
From General Revenue Fund .....	10,241,595
Personal Service .....	779,124
Expense and Equipment .....	448,143
From Federal Funds .....	1,227,287
Total (Not to exceed 708 F.T.E.) .....	\$11,468,862
Section 2.290. To the Department of Elementary and Secondary Education	
For State Schools for Severely Handicapped Children	
From Severely Handicapped Children Trust Fund .....	\$35,000

**Section 2.300. To the Department of Elementary and Secondary Education**

For the purpose of paying the costs of employee subsidies in the operation of sheltered workshops

From General Revenue Fund ..... \$3,868,704

**Section 2.310. To the Department of Elementary and Secondary Education**

For the Missouri Advisory Council on Vocational Education

Personal Service ..... \$85,692

Expense and Equipment ..... 89,484

From Federal Funds (Not to exceed 6 F.T.E.) ..... \$175,176

**Section 2.320. To the Department of Elementary and Secondary Education**

For the State Occupational Information Commission

Personal Service ..... \$26,080

Expense and Equipment ..... 104,848

From Federal Funds (Not to exceed 2 F.T.E.) ..... \$130,928

**Section 2.330. To the Department of Elementary and Secondary Education**

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Four Hundred Ninety Million, Fifty Nine Thousand, Five Hundred Seventy-one Dollars (\$490,059,571) to the State School Moneys Fund

From General Revenue Fund ..... \$490,059,571

**Section 2.340. To the Department of Elementary and Secondary Education**

For School Energy Conservation Program

Personal Service ..... \$49,500

Expense and Equipment ..... 17,432

From Federal Funds (Not to exceed 3 F.T.E.) ..... \$66,932

\*I hereby veto and delete all of the following separate unnumbered section at the end of said bill:

"The funds appropriated in this bill are specifically designated for the department, division, program or other purpose indicated herein and shall be used for no other purpose. However, within a department, personnel and equipment may be utilized on a short-term, temporary basis other than for the specific purpose of the designated funding to meet the emergency needs of the department. Any such deviation shall be reported by the department director to the chairman of the Senate Appropriations Committee, the chairman of the House Appropriations Committee and to the chairman of the Joint Fiscal Affairs Committee within ten days after the end of each calendar month."

The above section clearly amounts to legislation in an appropriation bill which is prohibited by Article III, Section 23, Constitution of Missouri. The section attempts to restrict the scope of a department's discretion in utilizing personnel and equipment. Also, the section creates a new duty of making reports to legislative committees in addition to statutory duties already existing for department directors. The section is not necessary to determine the purpose of any particular appropriated amount of money in the bill. On March 22, 1978, I vetoed House Bill No. 1603. Among the reasons for vetoing House Bill No. 1603 was that it created an additional, but unnecessary, restriction on the use of appropriated funds by providing that a department director may not authorize or direct more than a specified unit or division within his department to utilize employees or equipment funded for a specified purpose. I further noted that while it has been clear that department directors must use funds for purposes specified when the funds are appropriated, the scheme of the Missouri statutes defining the powers of various execu-

tive agencies historically has been to allow a department director flexibility in determining whether an employee or piece of equipment authorized to carry out a specified purpose can also serve in additional capacities. To a large extent, the quoted language from this bill attempts to impose the same restrictions as House Bill No. 1603. Therefore, the reasons for vetoing House Bill No. 1603 apply to the veto of this section.

The power to veto portions of appropriations bills granted by Article IV, Section 26, of the Constitution must permit the veto and deletion of a separate section unrelated to the purpose of any separate item of appropriation to prevent the negation of the executive veto power by including general legislation in an appropriation bill which the governor obviously could not veto in its entirety.

JOSEPH P. TEASDALE, Governor

Approved May 3, 1978.

[C. C. S. H. B. 1003]

**APPROPRIATIONS: Department of Higher Education.**

**AN ACT** to appropriate money for the expenses, grants, and distributions of the Department of Higher Education and the several institutions of higher education included therein for the period beginning July 1, 1978 and ending June 30, 1979.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

<b>Section 3.010. To the Department of Higher Education</b>	
For the Division of General Administration	
Personal Service .....	\$74,261
Expense and Equipment .....	57,000
From General Revenue Fund (Not to exceed 4 F.T.E.) .....	\$131,261
<b>Section 3.015. To the Department of Higher Education</b>	
For the Division of Budget, Administration and Financial Aid	
Personal Service .....	\$169,231
Expense and Equipment .....	66,500
From General Revenue Fund .....	235,731
Personal Service .....	15,000
Expense and Equipment .....	10,000
From Federal Funds .....	25,000
Personal Service .....	36,162
Expense and Equipment .....	7,000
From Guaranty Student Loan Fund .....	43,162
Total (Not to exceed 11 F.T.E.) .....	\$303,893
<b>Section 3.016. To the Department of Higher Education</b>	
For the Division of Academic Affairs	
Personal Service .....	\$191,000
Expense and Equipment .....	62,000
From General Revenue .....	253,000
Personal Service .....	36,515

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Expense and Equipment .....	10,000
From Federal Funds .....	46,515
Total (Not to exceed 10 FTE) .....	\$299,515
Section 3.020. To the Department of Higher Education	
For implementing the provisions of Chapter 173 RSMo, Cum. Supp. 1975	
Student Grants	
From General Revenue Fund .....	\$7,500,000
From Federal Funds .....	1,265,000
Total .....	\$8,765,000
Section 3.025. To the Department of Higher Education	
For investment of funds of the State Guaranty Student Loan Fund	
From the State Guaranty Student Loan Fund .....	\$1,958,951
Section 3.035. To the Department of Higher Education	
For the Missouri State Library	
For Administration	
Personal Service .....	\$101,938
Expense and Equipment .....	53,533
From General Revenue Fund .....	155,471
Personal Service .....	90,402
Expense and Equipment .....	17,457
From Federal Funds .....	107,859
Total (Not to exceed 14 F.T.E.) .....	\$263,330
Section 3.036. To the Department of Higher Education	
For the Missouri State Library	
For Reference and Loan Services	
Personal Service .....	\$168,038
Expense and Equipment .....	100,954
From General Revenue .....	268,992
Personal Service .....	72,017
Expense and Equipment .....	96,397
From Federal Funds .....	168,414
Total (not to exceed 22.5 F.T.E.) .....	\$437,406
Section 3.037. To the Department of Higher Education	
For the Missouri State Library	
For Central Services	
Personal Service .....	\$44,493
Expense and Equipment .....	12,796
From General Revenue .....	57,289
Personal Service .....	10,476
Expense and Equipment .....	8,531
From Federal Funds .....	19,007
Total (not to exceed 6 F.T.E.) .....	\$76,296

**Section 3.040.** To the Department of Higher Education  
 For the Division of Missouri State Library—Aid to Public Libraries  
 From General Revenue Fund ..... \$1,416,003

**Section 3.045.** To the Department of Higher Education  
 For the Division of Missouri State Library—Aid for the Blind and  
 Physically Handicapped  
 Personal Service ..... \$144,917  
 Expense and Equipment ..... 94,613

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From General Revenue Fund  
 (Not to exceed 16.25 F.T.E.) ..... \$239,530

**Section 3.050.** To the Department of Higher Education  
 For all allotments, grants and contributions from the federal gov-  
 ernment or from any sources which may be deposited in the  
 State Treasury for the use of the Department of Higher Edu-  
 cation  
 The Library Services and Construction Act, Title I, Services ..... \$2,017,241  
 The Library Services and Construction Act, Title II, Construction .. 500,000  
 The Library Services and Construction Act, Title III, Interlibrary  
 Cooperation ..... 63,500

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From Federal Funds ..... \$2,580,741

**Section 3.055.** To the Department of Higher Education  
 For distribution to junior colleges as provided in Section 163.191  
 RSMo, Cum. Supp. 1975. The method of distribution shall  
 be as follows:  
 Vocational-A courses shall be funded at 1.47 times that of General  
 courses.  
 Vocational-B courses shall be funded at 1.16 times that of General  
 courses.  
 General Courses shall be funded at the rate of \$26.70 per credit  
 hour.  
 Vocational-A courses are those courses that are in the HEGIS cate-  
 gories 5200, 5300, 0200 and 0900. Vocational-B courses are those  
 courses in the HEGIS categories 5100, 5400, 0100, 0700. General  
 courses are those courses in the HEGIS categories 5000, 5500,  
 and all other disciplines not listed above as approved by the  
 Department of Higher Education. Distribution shall be made  
 in two payments. The first payment shall be for 80% of the  
 projected credit hours for each institution. The second pay-  
 ment will be calculated to bring the total distribution to that  
 due for the actual credit hours produced at the ratios set forth  
 herein. In the event that the funds appropriated under this  
 section are insufficient to pay the apportionment in full, they  
 shall be distributed to junior colleges in prorata amounts.  
 Any funds not distributed under this section shall lapse.

From General Revenue ..... \$28,366,378

**Section 3.060.** To the Department of Higher Education  
 For providing teacher training courses in all cities having seventy-  
 five thousand or more population maintaining a city teacher

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training school, provided that in the event the funds appropriated herein shall in no event exceed 70% of the total actual operating expenditures of any such school.	
From General Revenue Fund .....	\$1,775,000
<b>Section 3.065. To the Department of Higher Education</b>	
For the State Anatomical Board	
From General Revenue Fund .....	\$2,500
<b>Section 3.070. To the University of Missouri</b>	
For operation of its various campuses and programs	
Personal Service and Expense and Equipment .....	\$136,341,672
For a 1% faculty quality improvement fund .....	1,418,000
From General Revenue Fund .....	\$137,759,672
<b>Section 3.075. To the University of Missouri</b>	
For the operation of the University of Missouri Hospital	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$11,135,412
<b>Section 3.080. To Southwest Missouri State University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$18,552,712
<b>Section 3.085. To Central Missouri State University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$16,260,600
<b>Section 3.090. To Southeast Missouri State University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$14,064,370
<b>Section 3.095. To Northeast Missouri State University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$10,882,812
<b>Section 3.100. To Northwest Missouri State University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$8,849,577
<b>Section 3.105. To the Missouri Southern State College</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$5,963,207
<b>Section 3.110. To the Missouri Western State College</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$5,818,507
<b>Section 3.115. To Lincoln University</b>	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$5,611,743
<b>Section 3.120. To the University of Missouri</b>	
For the State Historical Society	
Personal Service and Expense and Equipment	
From General Revenue Fund .....	\$361,470

**Section 3.125. To the University of Missouri**

For the administration and operation of the Missouri Institute of Psychiatry

From General Revenue Fund ..... \$1,774,804

**Section 3.130. To the University of Missouri**

For the treatment of Renal Disease in a Statewide Program

From General Revenue Fund ..... \$2,146,280

\*Unnumbered section at end of this bill is vetoed (See C. C. S. H. B. 1002, p. 13)

Approved May 3, 1978.

[C. C. S. H. B. 1004]

**APPROPRIATIONS: Department of Revenue.**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, and to transfer money from the Conservation Commission Fund to the General Revenue Fund for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 4.010. To the Department of Revenue**

For the Division of Administration

Personal Service ..... \$568,598

Expense and Equipment ..... 809,696

From General Revenue Fund ..... 1,378,294

Personal Service ..... 692,783

Expense and Equipment ..... 1,364,075

From State Highway Department Fund ..... 2,056,858

Total (Not to exceed 105.75 F.T.E.) ..... \$3,435,152

**Section 4.015. To the Department of Revenue**

For the Division of Information Systems

Personal Service ..... \$695,069

Expense and Equipment ..... 244,958

From General Revenue Fund ..... 940,027

Personal Service ..... 1,478,338

Expense and Equipment ..... 695,265

From State Highway Department Fund ..... 2,173,603

Total (Not to exceed 207.25 F.T.E.) ..... \$3,113,630

**Section 4.020. To the Department of Revenue**

For the Division of Taxation

Personal Service ..... \$5,397,479

# APPROPRIATIONS

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Expense and Equipment .....	986,666
From General Revenue Fund .....	6,384,145
Personal Service .....	465,684
Expense and Equipment .....	139,764
From State Highway Department Fund .....	605,448
Total (Not to exceed 575 F.T.E.) .....	\$6,989,593
Section 4.025. There is transferred from the Conservation Commission Fund to the General Revenue Fund One Hundred, and Fifty Thousand Dollars (\$150,000) to cover the cost to the State of Missouri for collection of the one-eighth cent sales tax earmarked to the Conservation Commission Fund	
From the Conservation Commission Fund .....	\$150,000
Section 4.030. To the Department of Revenue	
For the Division of Motor Vehicle and Drivers Licensing, excluding all Branch Offices	
Personal Service .....	\$55,474
Expense and Equipment .....	53,611
From Federal Funds .....	109,085
Personal Service .....	3,600,230
Expense and Equipment .....	1,199,362
From State Highway Department Fund .....	4,799,592
For the multi-year license plate	
The multi-year license plate bid selection committee shall require the successful bidder on all related material to provide a performance bond and/or guarantee satisfactory to said committee to provide a five year minimum durable license plate.	
From State Highway Department Fund .....	3,044,668
Total (Not to exceed 425 F.T.E.) .....	\$7,953,345
Section 4.035. To the Department of Revenue	
For the Division of Motor Vehicle and Drivers Licensing	
For Personal Service, equipment purchase and repair and operation expenditures for the existing branch offices; this appropriation is to be the sole source of funding for the thirteen offices on the basis of Ninety-Five cents (\$.95) per transaction and any funds not required on this basis shall lapse.	
From State Highway Department Fund .....	\$2,154,395
Section 4.040. To the Department of Revenue	
For the State Tax Commission	
Personal Service .....	\$597,209
Expense and Equipment .....	595,561
From General Revenue Fund (Not to exceed 43.25 F.T.E.) .....	\$1,192,770
Section 4.050. To the Department of Revenue	
For the Highway Reciprocity Commission	
Personal Service .....	\$248,126



Expense and Equipment .....	93,184
From State Highway Department Fund	
(Not to exceed 26.25 F.T.E.) .....	\$341,310
Section 4.055. To the Department of Revenue	
For paying refunds for overpayment or erroneous payment of any tax or payment which is credited to the General Revenue Fund	
From General Revenue Fund .....	\$90,000,000E
Section 4.060. To the Department of Revenue	
For refunding of any tax or fee which is credited to the State Highway Department Fund	
From State Highway Department Fund .....	\$166,000
Section 4.065. To the Department of Revenue	
For the State's share of the cost of assessing and collecting the revenue	
From General Revenue Fund .....	\$3,500,000
Section 4.070. To the Department of Revenue	
For distribution to cities of all funds accruing to the Motor Fuel Tax Fund under the provisions of Section 30(a) and 30(b), Article IV, Constitution of Missouri	
From Motor Fuel Tax Fund .....	\$39,000,000
Section 4.075. To the Department of Revenue	
All receipts from gasoline taxes for distribution to counties under the provisions of Section 30(a) and 30(b), Article IV, Con- stitution of Missouri	
From County Aid Road Trust Fund .....	\$13,000,000
Section 4.080. To the Department of Revenue	
For refunds of Motor Fuel Taxes	
From State Highway Department Fund .....	\$10,500,000
*Unnumbered section at end of this bill vetoed (See C. C. S. H. B. 1002, p. 13)	

Approved May 3, 1978.

[C. C. S. H. B. 1005]

**APPROPRIATIONS:** Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and the Office of Administration.

**AN ACT** to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and the Office of Administration, and to transfer money among certain funds, for the period beginning July 1, 1978 and ending June 30, 1979.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

# APPROPRIATIONS

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<b>Section 5.010. To the Governor</b>	
Salary of the Governor .....	\$37,500
Expense and Equipment for the Mansion .....	56,480
Contingent Expenses .....	761,058
From General Revenue Fund .....	<u>\$855,038</u>
<b>Section 5.015. To the Governor</b>	
For expenses incident to emergency duties performed by the National Guard when ordered by the Governor, as authorized by Chapter 4.500 RSMo, 1969	
From General Revenue Fund .....	\$500,000
<b>Section 5.020. To the Governor</b>	
For all moneys in the Agricultural Emergency Fund for investment, reinvestment, and for emergency agricultural relief and rehabilitation as provided by law	
From Agricultural Emergency Fund .....	\$8,500,000
<b>Section 5.025. To the Governor</b>	
For participation by the State of Missouri in the National Governor's Conference	
From General Revenue Fund .....	\$29,150
<b>Section 5.035. To the Governor</b>	
For personal service and operation expenditures for the Governor's Mansion Preservation Advisory Commission	
From General Revenue Fund .....	\$9,300
<b>Section 5.040. To the Governor</b>	
For participation by the State of Missouri in the Ozark Regional Commission	
From General Revenue Fund .....	\$69,500
<b>Section 5.045. To the Governor</b>	
For support of the activities of the Advisory Commission on Intergovernmental Relations	
From General Revenue Fund .....	\$2,000
<b>Section 5.050. To the Governmental Emergency Fund Committee</b>	
For allocation by the Committee to state agencies which qualify for emergency or supplemental funds under the provisions of Chapter 33.700, RSMo, 1969	
From General Revenue Fund .....	\$150,000
<b>Section 5.055. To the Lieutenant Governor</b>	
Personal Service .....	\$90,481
Expense and Equipment .....	\$33,100
From General Revenue Fund (Not to exceed 7 F.T.E.) .....	<u>\$123,581</u>
<b>Section 5.060. To the Secretary of State</b>	
Personal Service .....	\$1,342,835
Expense and Equipment .....	1,249,367
From General Revenue Fund .....	<u>2,592,202</u>
Personal Service .....	62,217

Expense and Equipment .....	246,200
From Computer Output Microfilm Revolving Fund .....	308,417
Total (Not to exceed 131 F.T.E.) .....	\$2,900,619
<b>Section 5.065. To the Secretary of State</b> For expenses of initiative referendum and constitutional amend- ments	
From General Revenue Fund .....	\$82,500
<b>Section 5.070. To the Secretary of State</b> For refunds of securities, corporations, uniform commercial code and miscellaneous collections of the Secretary of State's Office	
From General Revenue Fund .....	\$50,000
<b>Section 5.075. To the State Auditor</b> Personal Service	
From General Revenue Fund .....	\$1,512,655
From Federal Funds .....	50,000
From Conservation Commission Fund .....	15,000
From State Highway Department Fund .....	196,361
Expense and Equipment	
From General Revenue Fund .....	601,203
From Federal Funds .....	10,000
From Conservation Commission Fund .....	5,000
From State Highway Department Fund .....	35,866
Total (Not to exceed 108 F.T.E.) .....	\$2,426,085
<b>Section 5.080. To the State Treasurer</b> Personal Service .....	\$255,073
Expense and Equipment .....	125,496
From General Revenue Fund .....	380,569
Expense and Equipment	
From Central Check Mailing Service Revolving Fund .....	250,000
Personal Service	
From State Highway Department Fund .....	163,176
Total (Not to exceed 29 F.T.E.) .....	\$793,745
<b>Section 5.085. There is transferred out of the State Treasury,</b> chargeable to the General Revenue Fund, Fifty Thousand Dol- lars (\$50,000) to the Central Check Mailing Service Revolving Fund	
From General Revenue Fund .....	\$50,000
<b>Section 5.090. To the State Treasurer</b> For issuing duplicate checks or drafts as provided by law	
From General Revenue Fund .....	\$75,000
<b>Section 5.095. To the State Treasurer</b> For refunds to depositors of liquidated savings and loan associations	
From General Revenue Fund .....	\$2,000

# APPROPRIATIONS

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## Section 5.100. To the Attorney General

### Personal Service

From General Revenue Fund .....	\$1,762,606
From Federal Funds .....	99,284
From Attorney General's Antitrust Revolving Trust Fund .....	64,865
From Professional Liability Review Board Fund .....	40,354

### Expense and Equipment

From General Revenue Fund .....	424,600
From Federal Funds .....	583,882
From Attorney General's Court Cost Fund .....	20,000
From Workmen's Compensation Fund .....	65,000
From Professional Liability Review Board Fund .....	508,896

Total (Not to exceed 117.85 F.T.E.) ..... \$3,569,487

Section 5.105. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Seventeen Thousand, Eight Hundred and Eighteen Dollars (\$17,818) to the Attorney General's Court Cost Fund

From General Revenue Fund ..... \$17,818

Section 5.110. There is transferred out of the State Treasury, chargeable to the General Revenue Fund, Fifty Two Thousand, Eight Hundred Thirty Six Dollars (\$52,836) To the Attorney General's Antitrust Revolving Trust Fund

From General Revenue Fund ..... \$52,836

## Section 5.115. To the Office of Administration

### For the Commissioner and Central Staff

Personal Service .....	\$267,631
Expense and Equipment .....	90,392

From General Revenue Fund ..... 358,023

### Expense and Equipment

From State Highway Department Fund ..... 1,525

Total (Not to exceed 17 F.T.E.) ..... \$359,548

## Section 5.116. To the Office of Administration

For costs incurred by the state auditor-elect during the transition period beginning November 15, 1978

From General Revenue Fund ..... \$10,000

## Section 5.120. To the Office of Administration

### For the Division of Accounting

Personal Service .....	\$897,698
Expense and Equipment .....	550,464

From General Revenue Fund ..... 1,448,162

Personal Service ..... 19,907

Expense and Equipment ..... 3,800

From State Highway Department Fund ..... 23,707

Total (Not to exceed 75 F.T.E.) ..... \$1,471,869

**Section 5.125. To the Office of Administration**  
**For the Division of Accounting**  
**For development of a statewide accounting and financial management system**  
 From General Revenue Fund ..... \$2,250,408

**Section 5.130. To the Office of Administration**  
**For the Division of Accounting**  
**For development of a personnel accounting and reporting system**  
 From General Revenue Fund ..... \$1,400,000

**Section 5.135. To the Office of Administration**  
**For the Division of Budget and Planning**  
     Personal Service ..... \$307,944  
     Expense and Equipment ..... 71,335

From General Revenue Fund ..... 379,279  
     Personal Service ..... 360,003  
     Expense and Equipment ..... 328,050

From Federal Funds ..... 688,053

Total (Not to exceed 39.75 F.T.E.) ..... \$1,067,332

**Section 5.136. To the Office of Administration**  
**For the Division of Budget and Planning**  
**For establishing a Missouri Washington Office**  
     Personal Service ..... \$42,000  
     Expense and Equipment ..... 19,200

From General Revenue Fund ..... \$61,200

**Section 5.140. To the Office of Administration**  
**For the Division of Budget and Planning**  
**For grants to regional planning commissions pursuant to the provisions of Chapter 251 Cum. Supp. RSMo, 1975**  
 From General Revenue Fund ..... \$525,000

**Section 5.145. To the Office of Administration**  
**For the Division of Budget and Planning**  
**For distribution to regional planning commissions and local governments of funds made available under the H.U.D. Comprehensive Planning Assistance Program**  
 From Federal Funds ..... \$890,000

**Section 5.150. To the Office of Administration**  
**For the Division of Budget and Planning**  
**For distribution of funds made available under the Statewide Economic Development Planning Program**  
 From Federal Funds ..... \$125,000

**Section 5.155. To the Office of Administration**  
**For the Division of Budget and Planning**  
**For planning and developing a statewide system for the advocacy of citizens with developmental disabilities**  
 From Federal Funds ..... \$30,000

# APPROPRIATIONS

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Section 5.160. To the Office of Administration  
For the Division of Budget and Planning  
For the development of a state science, engineering, and technology program  
From Federal Funds ..... \$30,000

Section 5.165. To the Office of Administration  
For the Division of Design and Construction  
Personal Service ..... \$1,342,409  
Expense and Equipment ..... 1,399,108

From General Revenue Fund ..... 2,741,517  
Personal Service ..... 22,969  
Expense and Equipment ..... 31,552

From State Highway Department Fund ..... 54,521

Total (Not to exceed 118.75 F.T.E.) ..... \$2,796,038

Section 5.170. To the Office of Administration  
For the Division of Design and Construction  
For payment of building and ground expenses for state agencies occupying space in the City of Jefferson

From General Revenue Fund ..... \$2,342,913  
From the State Board of Accountancy Fund ..... 3,263  
From the Board of Barber Examiners Fund ..... 2,738  
From the Chiropractic Examiners Fund ..... 1,007  
From the State Board of Cosmetology Fund ..... 13,330  
From the Board of Embalmers and Funeral Directors Fund ..... 2,396  
From the Board of Registration for Healing Arts Fund ..... 12,938  
From the State Board of Nursing Fund ..... 13,934  
From the State Board of Optometry Fund ..... 604  
From the State Board of Pharmacy Fund ..... 6,363  
From the State Board of Podiatry Fund ..... 101  
From the Missouri Real Estate Commission Fund ..... 15,092  
From the Veterinary Board Fund ..... 946  
From the Milk Inspection Fees Fund ..... 2,516  
From the Workmen's Compensation Fund ..... 57,881

Total ..... \$2,476,002

Section 5.180. To the Office of Administration  
For the Division of Design and Construction  
For payment of building and ground expenses for state agencies occupying space in the Kansas City State Office Building

From General Revenue Fund ..... \$1,022,040  
From Conservation Commission Fund ..... 9,639  
From State Highway Department Fund ..... 74,488  
From Workmen's Compensation Fund ..... 39,359

Total ..... \$1,145,526

Section 5.190. To the Office of Administration  
For the Division of EDP Coordination  
Personal Service ..... \$723,025

Expense and Equipment .....	1,015,611
From General Revenue Fund .....	1,738,636
Personal Service .....	137,971
Expense and Equipment .....	288,101
From Office of Administration Revolving Administrative Trust Fund .....	426,072
Personal Service .....	109,760
Expense and Equipment .....	647,822
From State Highway Department Fund .....	757,582
Total (Not to exceed 78 F.T.E.) .....	\$2,922,290
Section 5.200. To the Office of Administration For the Division of Flight Operations	
Personal Service .....	\$145,476
Expense and Equipment .....	1,325
From General Revenue Fund .....	146,801
Expense and Equipment .....	
From Office of Administration Revolving Administrative Trust Fund .....	240,352
Total (Not to exceed 8 F.T.E.) .....	\$387,153
Section 5.205. There is transferred out of the State Treasury; chargeable to the General Revenue Fund, Six Hundred Fifty- Six Thousand, Four Hundred Forty-Four (\$656,444) Dollars to the State Highway Department Fund	
From General Revenue Fund .....	\$656,444
Section 5.210. To the Office of Administration For the Division of Personnel	
Personal Service .....	\$996,466
Expense and Equipment .....	193,741
From General Revenue Fund .....	1,190,207
Expense and Equipment .....	
From Office of Administration Revolving Administrative Trust Fund .....	8,500
Total (Not to exceed 76 F.T.E.) .....	\$1,198,707
Section 5.215. To the Office of Administration For the Division of Personnel For distribution to state agencies of funds made available under the Intergovernmental Personnel Act	
From Federal Funds .....	\$148,500
Section 5.220. To the Office of Administration For the Division of Purchasing	
Personal Service .....	\$591,361

# APPROPRIATIONS

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Personal Service .....	16,752
Expense and Equipment .....	144,092
From General Revenue Fund .....	735,453
Expense and Equipment .....	65,000
From Office of Administration Revolving Administrative Trust Fund .....	81,752
Personal Service .....	14,030
Expense and Equipment .....	2,011
From State Highway Department Fund .....	16,041
Total (Not to exceed 53 F.T.E.) .....	\$833,246

## Section 5.225. To the Office of Administration

### For the Division of Purchasing

For the purpose of insurance for state government including payment of premiums for blanket surety bond coverage for all state employees, aircraft, automobile, and watercraft liability insurance and boiler and machinery insurance

From General Revenue Fund .....	\$524,243
From the Conservation Commission Fund .....	198,520
From Highway Fund .....	190,728
From Revolving Trust Fund .....	150,200

Total ..... \$1,063,691

## Section 5.230. To the Office of Administration

### For the disbursement of surplus property sale receipts

From Proceeds of Sales Fund .....	\$500,000
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## Section 5.235. To the Office of Administration

For payment of OASDHI taxes for all state employees and for the transfer of OASDHI taxes received from participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health, Education and Welfare; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From General Revenue Fund .....	\$26,413,000E
From Federal Funds .....	1,732,000E
From Other Sources .....	15,155,000E
From the Contributions Fund .....	\$43,300,000E

## Section 5.240. To the Office of Administration

All sums from whatever source received, or so much as may be necessary for payment of the state's contribution to the Missouri State Employees' Retirement System

From General Revenue Fund .....	\$23,460,000E
From Federal Funds .....	2,415,000E



From Other Sources ..... 8,625,000E

From the State Retirement Contributions Fund .....\$34,500,000E

**Section 5.245. To the Office of Administration**

For the purpose of providing to state employees workmen's compensation insurance coverage through self-insurance coverage as is now required for employees of the Department of Social Services, the Department of Mental Health, and the Missouri Military Forces (for injuries incurred during the period previous to July 1, 1970 and subsequent injuries after June 30, 1973 occurring during periods of military alert), and to provide for those state employees to whom the Office of Administration provides coverage either by contractual agreement with a private insurance carrier or through a self-insurance program administered by the Office of Administration

From General Revenue Fund ..... \$1,933,482

From the Conservation Commission Fund ..... 66,518

Total ..... \$2,000,000

**Section 5.250. To the Office of Administration**

For reimbursing the Division of Employment Security benefit account for claims paid to the state employees under provisions of Chapter 288 RSMo, Cum. Supp. 1973

From General Revenue Fund ..... \$1,453,438

From Federal Funds ..... 113,712

From the Conservation Commission Fund ..... 37,215

From State Highway Department Fund ..... 361,810

From the Unemployment Compensation Administration Fund ..... 101,307

Total ..... \$2,067,482

**Section 5.255. To the Office of Administration**

For the payment of claims against the Escheats Fund

From the Escheats Fund ..... \$100,000

**Section 5.260. To the Office of Administration**

For settlement of claims against the State of Missouri as provided by Chapter 105.710 RSMo, Cum. Supp. 1973

From Tort Defense Fund ..... \$37,500

**Section 5.265. There is transferred out of the State Treasury, chargeable to the General Revenue Fund Thirty-Seven Thousand, Five Hundred Dollars, (\$37,500) to the Tort Defense Fund**

From General Revenue Fund ..... \$37,500

**Section 5.270. To the Office of Administration**

For participation by the State of Missouri in the compact for the Educational Commission of the States

From General Revenue Fund ..... \$18,750

**Section 5.275. To the Office of Administration**

To pay the several counties of Missouri the amount that has been

paid into the General Revenue Fund by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, and to be distributed to certain counties in Missouri in accordance with the provisions of state law

From General Revenue Fund .....\$918,400E

**Section 5.280. To the Office of Administration**

To pay the several counties of Missouri the amount that has been paid into the General Revenue Fund by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress, approved June 28, 1938, and to be distributed to certain counties in Missouri

From General Revenue Fund .....\$1,900,000E

**Section 5.285. To the Office of Administration**

For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Foreign Insurance Tax

From General Revenue Fund .....\$22,515,240E

**Section 5.290. To the Office of Administration**

For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Stock Insurance Tax

From General Revenue Fund .....\$890,000E

**Section 5.295. To the Office of Administration**

For apportionment to the several counties and the City of St. Louis all amounts accruing to the General Revenue Fund from the County Private Car Tax

From General Revenue Fund .....\$450,000E

**Section 5.300. To the Office of Administration**

For distribution to the Board of Curators of the University of Missouri and the Board of Curators of Lincoln University. This grant is for use in the Colleges of Agriculture and Mechanical Arts under Acts of Congress approved August 30, 1890 (26 Stat. L. 417-419) and March 4, 1907 (34 Stat. L. 1256; 1281-1282) Department of Health, Education and Welfare and Office of Education. Funds to be apportioned as follows: 1/16 of total to Lincoln University; 1/4 to University of Missouri, Rolla; balance to University of Missouri, Columbia

From Federal Funds .....\$345,000

**Section 5.305. To the Office of Administration**

To pay the claims approved by the county courts for the payment of the costs in criminal cases, except payment of attorneys fee and for the transportation of convicted criminals to the state penitentiaries as well as the costs for reimbursement of the expenses associated with extradition

From General Revenue Fund .....\$3,952,368

**Section 5.310. To the Office of Administration**

To reimburse the governing body of all counties without a charter

form of government and all cities not within a county for the payment of additional compensation to prosecuting attorneys in those counties and cities for the performance of additional duties imposed by HB 601, Seventy-ninth General Assembly, First Regular Session

From General Revenue Fund ..... \$400,000

**Section 5.315. To the Office of Administration**

For payment of counties the sum of fifty dollars per month toward the care and maintenance of each delinquent or dependent child as provided in Chapter 210 RSMo, Cum. Supp. 1973

From General Revenue Fund ..... \$500,000

**Section 5.320. To the Office of Administration**

To provide readers for blind students who wish to attend a college, university, technical or professional school located in this state and authorized by law to grant degrees

From General Revenue Fund ..... \$18,000

**Section 5.325. To the Office of Administration**

For expenses incurred by the Cole County Prosecuting Attorney's Office for lobbyist registration enforcement

From General Revenue Fund ..... \$20,392

**Section 5.330. To the Office of Administration**

For distribution of funds made available under the ACTION Program

From Federal Funds ..... \$37,500

\*Unnumbered section at end of this bill vetoed (See C. C. S. H. B. 1002, p. 13)

Approved May 3, 1978.

[C. C. S. H. B. 1006]

**APPROPRIATIONS: Judiciary.**

AN ACT to appropriate money for the expenses, grants, and distributions of the Judiciary for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 6.010. To the Supreme Court**

**For Judicial Proceedings and Review**

Personal Service .....	\$1,073,601
Expense and Equipment .....	326,312

From General Revenue Fund .....	1,399,913
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Personal Service .....	15,036
Expense and Equipment .....	15,305

From Federal Funds .....	30,341
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Total (Not to exceed 58.25 F.T.E.) .....	\$1,430,254
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# APPROPRIATIONS

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## Section 6.020. To the Supreme Court For the State Courts Administrator

Personal Service .....	\$286,255
Expense and Equipment .....	206,261
From General Revenue Fund .....	492,516
Personal Service .....	243,891
Expense and Equipment .....	278,513
From Federal Funds .....	522,404
Total (Not to exceed 37 F.T.E.) .....	\$1,014,920

## Section 6.030. To the Supreme Court

All allotments, grants and contributions of funds from the federal government pertaining to the Omnibus Crime Control Act of 1968 (PL 90-351), as amended, or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts

From Federal Funds .....	\$1,000,000
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## Section 6.040. To the Supreme Court

For the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court

From General Revenue Fund .....	\$5,000
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## Section 6.050. To the Supreme Court

For compensation and expenses of judges of circuit courts and courts of criminal corrections as provided by law

From General Revenue Fund .....	\$5,139,750
From Court Judicial Fund .....	250,000

Total .....	\$5,389,750
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## Section 6.060. To the Supreme Court

For the compensation and expenses of magistrate judges and compensation of magistrate clerks

From General Revenue Fund .....	\$6,047,440
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## Section 6.070. To the Supreme Court

For compensation and expenses of court reporters of circuit courts and courts of criminal corrections

From General Revenue Fund .....	\$935,172
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## Section 6.080. To the Supreme Court

For the compensation of juvenile officers

From General Revenue Fund .....	\$376,250
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## Section 6.090. To the Commission on Retirement, Removal, and Discipline of Judges

For payment of expenses of the Commission

Personal Service .....	\$13,000
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Expense and Equipment .....	30,000
From General Revenue Fund .....	\$43,000
<b>Section 6.100. To the Court of Appeals, Kansas City District</b>	
Personal Service .....	\$700,899
Expense and Equipment .....	155,092
From General Revenue Fund .....	855,991
Expense and Equipment .....	
From Federal Funds .....	2,000
<b>Total (Not to exceed 36.3 F.T.E.) .....</b>	<b>\$857,991</b>
(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)	
<b>Section 6.110. To the Court of Appeals, St. Louis District</b>	
Personal Service .....	\$1,151,839
Expense and Equipment .....	99,656
From General Revenue Fund .....	1,251,495
Expense and Equipment .....	
From Federal Funds .....	12,000
<b>Total (Not to exceed 58.2 F.T.E.) .....</b>	<b>\$1,263,495</b>
(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)	
<b>Section 6.120. To the Court of Appeals, Springfield District</b>	
Personal Service .....	\$538,543
Expense and Equipment .....	153,163
From General Revenue Fund .....	691,706
Expense and Equipment .....	
From Federal Funds .....	5,463
<b>Total (Not to exceed 29 F.T.E.) .....</b>	<b>\$697,169</b>
(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)	
<b>Section 6.130. To the Public Defender Commission</b>	
<b>For Full Time Public Defenders</b>	
Personal Service .....	\$1,672,288
Expense and Equipment .....	277,865
From General Revenue Fund (Not to exceed 136.5 F.T.E.) .....	\$1,950,153
(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)	
<b>Section 6.140. To the Public Defender Commission</b>	
<b>For Appointed Counsel Payments</b>	
Expense and Equipment .....	

From General Revenue Fund ..... \$776,000

If anticipated fees for fiscal year 1979 are in excess of this appropriation, those fees shall be prorated beginning July 1, 1978. No funds from this appropriation shall be expended for expenses incurred prior to July 1, 1978.

(These appropriations may be used as matching funds for Law Enforcement Assistance Administration grants made under Public Law 93-83, as amended)

\*Unnumbered section at end of this bill vetoed (See C. C. S. H. B. 1002, p. 13)

Approved May 3, 1978.

[C. C. S. H. B. 1007]

**APPROPRIATIONS:** Department of Agriculture, Department of Conservation, Department of Consumer Affairs, Regulation and Licensing, Department of Labor and Industrial Relations, and Department of Natural Resources.

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Conservation, Department of Consumer Affairs, Regulation and Licensing, Department of Labor and Industrial Relations, and Department of Natural Resources, and to transfer money among certain funds, for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 7.005. To the Department of Agriculture**

**For Administration**

Personal Service .....	\$161,617
Expense and Equipment .....	53,790

**From General Revenue Fund**

(Not to exceed 10 F.T.E.) .....	\$215,407
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**Section 7.010. To the Department of Agriculture**

**For refunds of erroneous receipts due to errors in application for license or brand registration**

From General Revenue Fund .....	\$2,500
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**Section 7.015. To the Department of Agriculture**

**For the Division of Administrative Services**

Personal Service .....	\$176,744
Expense and Equipment .....	74,465

**From General Revenue Fund**

(Not to exceed 17 F.T.E.) .....	\$251,209
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**Section 7.020. To the Department of Agriculture**

**For the Division of Audits and Compliance**

Personal Service .....	\$172,566
Expense and Equipment .....	71,318

From General Revenue Fund .....	243,884
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Personal Service .....	32,829
Expense and Equipment .....	26,392
From the Commodity Fund .....	59,221
Total (Not to exceed 19 F.T.E.) .....	\$303,105
Section 7.025. To the Department of Agriculture	
For the Division of Audits and Compliance	
For Apple Merchandising	
From Apple Merchandising Fund .....	\$16,020
Section 7.030. To the Department of Agriculture	
For the Division of Audits and Compliance	
For refunds to individuals and reimbursements to commodity councils	
From Commodity Council Merchandising Fund .....	\$750,000
Section 7.035. To the Department of Agriculture	
For the Division of Agricultural Development—Marketing	
Personal Service .....	\$393,907
Expense and Equipment .....	248,068
From General Revenue Fund .....	641,975
Personal Service .....	13,075
Expense and Equipment .....	11,117
From Federal Funds .....	24,192
Total (Not to exceed 31 F.T.E.) .....	\$666,167
Section 7.040. To the Department of Agriculture	
For the Division of Animal Health	
Personal Service .....	\$960,458
Expense and Equipment .....	1,097,977
From General Revenue Fund .....	2,058,435
Personal Service .....	
From Federal Funds .....	52,318
Total (Not to exceed 88.5 F.T.E.) .....	\$2,110,753
Section 7.045. To the Department of Agriculture	
For the Division of Animal Health	
For indemnity payments	
From General Revenue Fund .....	\$300,000
Section 7.050. To the Department of Agriculture	
For the Division of Grain Inspection and Weighing	
Personal Service .....	\$1,979,155
Expense and Equipment .....	441,540
From General Revenue Fund	
(Not to exceed 144 F.T.E.) .....	\$2,420,695

# APPROPRIATIONS

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## Section 7.055. To the Department of Agriculture For the Division of Plant Industries

Personal Service .....	\$704,574
Expense and Equipment .....	212,337

From General Revenue Fund .....	916,911
Personal Service .....	20,000
Expense and Equipment .....	86,086

From Federal Funds .....	106,086
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Total (Not to exceed 60.5 F.T.E.) .....	\$1,022,997
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## Section 7.060. To the Department of Agriculture For the Division of Weights and Measures

Personal Service .....	\$335,483
Expense and Equipment .....	246,915

From General Revenue Fund .....	582,398
Personal Service .....	66,471
Expense and Equipment .....	30,194

From State Highway Department Fund .....	96,665
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Total (Not to exceed 36.57 F.T.E.) .....	\$679,063
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## Section 7.065. To the Department of Agriculture For the Division of Agriculture Development—Agriculture Emer- gency Fund

Personal Service .....	\$84,171
Expense and Equipment .....	24,836

From Agriculture Emergency Fund (Not to exceed 7 F.T.E.) .....	\$109,007
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## Section 7.070. To the Department of Agriculture For the Missouri State Fair

Personal Service .....	\$136,186
Expense and Equipment .....	213,388

From General Revenue Fund .....	349,574
Personal Service .....	186,049
Expense and Equipment .....	897,388

From State Fair Fees Fund .....	1,083,437
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Total (Not to exceed 43.46 F.T.E.) .....	\$1,433,011
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## Section 7.075. To the Department of Agriculture For cash to start the Missouri State Fair

From State Fair Fees Fund .....	\$30,000
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## Section 7.080. To the Department of Agriculture For the Division of Fairs—Aid to Fairs

Personal Service .....	\$23,178
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Expense and Equipment .....	14,102
From General Revenue Fund	
(Not to exceed 1.79 F.T.E.) .....	\$37,280
Section 7.085. To the Department of Agriculture	
For Aid to Fairs	
From General Revenue Fund .....	\$254,400
Section 7.090. To the Department of Agriculture	
For building grants to local fairs	
From General Revenue Fund .....	\$67,700
Section 7.095. To the Department of Agriculture	
For the State Milk Board	
Personal Service .....	\$30,114
Expense and Equipment .....	16,119
From State Milk Inspection Fees Fund	
(Not to exceed 2 F.T.E.) .....	\$46,233
Section 7.100. To the Department of Agriculture	
For the State Milk Board	
For contracting with local health agencies for inspection of milk	
From State Milk Inspection Fees Fund .....	\$1,150,250
Section 7.105. To the Department of Conservation	
For Personal Service and Expense and Equipment, including refunds	
From the Conservation Commission Fund .....	\$29,830,730
Section 7.110. To the Department of Conservation	
For payments to counties in lieu of taxes on lands classified as forest croplands	
From General Revenue Fund .....	\$223,839
Section 7.115. To the Department of Natural Resources	
For the Division of Departmental Administration—Office of Director	
Personal Service .....	\$52,972
Expense and Equipment .....	12,000
From General Revenue Fund	
(Not to exceed 2 F.T.E.) .....	\$64,972
Section 7.120. To the Department of Natural Resources	
For the Division of Departmental Administration—Administrative Services	
Personal Service .....	\$313,076
Expense and Equipment .....	73,172
From General Revenue Fund .....	\$386,248
Personal Service .....	85,974
Expense and Equipment .....	32,787
From Federal Funds .....	118,761
Total (Not to exceed 34.6 F.T.E.) .....	\$505,009

# APPROPRIATIONS

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## Section 7.125. To the Department of Natural Resources

For the Division of Departmental Administration— Policy Development

Personal Service .....	\$119,848
Expense and Equipment .....	29,644

From General Revenue Fund .....	149,492
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Personal Service .....	200,388
Expense and Equipment .....	55,040

From Federal Funds .....	255,428
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Total (Not to exceed 21 F.T.E.) .....	\$404,920
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## Section 7.130. To the Department of Natural Resources

For the Division of Departmental Administration

For Historic Preservation Program

Personal Service .....	\$74,539
Expense and Equipment .....	4,412

From General Revenue Fund .....	78,951
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Personal Service .....	74,539
Expense and Equipment .....	56,413

From Federal Funds .....	130,952
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Total (Not to exceed 12 F.T.E.) .....	\$209,903
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## Section 7.135. To the Department of Natural Resources

For the Division of Departmental Administration

For Historic Preservation Program—Restoration of Historic Sites

From Federal Funds .....	\$1,500,000
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## Section 7.140. To the Department of Natural Resources

For the Division of Departmental Administration

For the Energy Program

Personal Service .....	\$153,520
Expense and Equipment .....	85,000

From General Revenue Fund .....	238,520
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Personal Service .....	497,197
Expense and Equipment .....	581,000

From Federal Funds .....	1,078,197
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Total (Not to exceed 47 F.T.E.) .....	\$1,316,717
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## Section 7.145. To the Department of Natural Resources

For Energy Conservation Grants

From Federal Funds .....	\$23,634,830
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## Section 7.150. To the Department of Natural Resources

For the Division of Environmental Quality—Administration and

General Support

Expense and Equipment

From General Revenue Fund .....	\$1,143
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Personal Service .....	52,626
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Expense and Equipment .....	7,579
From Federal Funds .....	60,205
Total (Not to exceed 3 F.T.E.) .....	\$61,348
Section 7.155. To the Department of Natural Resources	
For the Division of Environmental Quality—Water Quality	
Personal Service .....	\$197,140
Expense and Equipment .....	68,046
From General Revenue Fund .....	265,186
Personal Service .....	225,703
Expense and Equipment .....	31,958
From Federal Funds .....	257,661
Personal Service .....	56,113
Expense and Equipment .....	1,344
From the Clean Water Fund .....	57,457
Total (Not to exceed 35 F.T.E.) .....	\$580,304
Section 7.160. To the Department of Natural Resources	
For the Division of Environmental Quality—Water Quality	
For Administration of the Wastewater Treatment Plant	
Construction Grants Program	
From Federal Funds .....	\$1,984,820
Section 7.161. To the Department of Natural Resources	
For the Clean Water Commission	
For storm water control grants under the provisions of H.B. 492,	
an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$2,000,000
Section 7.165. To the Department of Natural Resources	
For the Division of Environmental Quality	
For Water Quality—Non-Point	
Source Pollution Control Planning	
Personal Service .....	\$97,175
Expense and Equipment .....	874,000
From Federal Funds (Not to exceed 8 F.T.E.) .....	\$971,175
Section 7.170. To the Department of Natural Resources	
For the Division of Environmental Quality—Air Quality	
Personal Service .....	\$107,904
Expense and Equipment .....	46,581
From General Revenue Fund .....	154,485
Personal Service .....	151,991
Expense and Equipment .....	45,433
From Federal Funds .....	197,424
Total (Not to exceed 17.0 F.T.E.) .....	\$351,909

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Section 7.175. To the Department of Natural Resources  
 For the Division of Environmental Quality—Air Quality Program  
 For Federal Air Pollution Control Grants  
 From Federal Funds ..... \$3,500,000

Section 7.180. To the Department of Natural Resources  
 For the Division of Environmental Quality—Public Water Supply  
     Personal Service ..... \$175,173  
     Expense and Equipment ..... 35,280  
 From General Revenue Fund  
     (Not to exceed 12 F.T.E.) ..... \$210,453

Section 7.185. To the Department of Natural Resources  
 For the Division of Environmental Quality  
 For Grants to Counties, Cities, Towns and Villages and legally  
     organized water districts  
     For sewer construction ..... \$1,500,000  
 For water supply systems ..... 1,500,000  
 From General Revenue Fund ..... \$3,000,000

Section 7.190. To the Department of Natural Resources  
 For the Division of Environmental Quality—Solid Waste Manage-  
     ment Program  
     Personal Service ..... \$78,704  
     Expense and Equipment ..... 17,615  
 From General Revenue Fund ..... 96,319  
     Personal Service ..... 148,922  
     Expense and Equipment ..... 11,285  
 From Federal Funds ..... 160,207  
 Total (Not to exceed 14 F.T.E.) ..... \$256,526

Section 7.195. To the Department of Natural Resources  
 For the Division of Environmental Quality  
 For Solid Waste Management Grants  
 From Federal Funds ..... \$1,682,499

Section 7.200. To the Department of Natural Resources  
 For the Division of Environmental Quality—Laboratory Services  
     Personal Service ..... \$92,333  
     Expense and Equipment ..... 34,938  
 From General Revenue Fund ..... 127,271  
     Personal Service ..... 114,275  
     Expense and Equipment ..... 26,345  
 From Federal Funds ..... 140,620  
 Total (Not to exceed 16 F.T.E.) ..... \$267,891

Section 7.205. To the Department of Natural Resources  
 For the Division of Environmental Quality—Regional Office Pro-  
     gram

Personal Service .....	\$555,001
Expense and Equipment .....	189,242
From General Revenue Fund .....	744,243
Personal Service .....	662,460
Expense and Equipment .....	102,387
From Federal Funds .....	764,847
Total (Not to exceed 81 F.T.E.) .....	\$1,509,090
Section 7.210. To the Department of Natural Resources	
For the Division of Environmental Quality—Land Reclamation	
Personal Service .....	\$60,424
Expense and Equipment .....	26,156
From Land Reclamation Commission Fund	
(Not to exceed 4 F.T.E.) .....	\$36,580
Section 7.215. To the Department of Natural Resources	
For the Division of Environmental Quality—Land Reclamation	
For reclamation of Abandoned Mined Lands	
From Federal Funds .....	\$1,000,000
Section 7.220. To the Department of Natural Resources	
For the Division of Environmental Quality—Soil and Water	
Conservation	
Personal Service .....	\$139,475
Expense and Equipment .....	746,499
From General Revenue Fund	
(Not to exceed 10 F.T.E.) .....	\$885,974
Section 7.225. To the Department of Natural Resources	
For the Division of Environmental Quality—Water Resources Plan-	
ning Program	
Expense and Equipment	
From General Revenue Fund .....	\$6,917
Personal Service .....	136,305
Expense and Equipment .....	20,000
From Federal Funds .....	156,305
Total (Not to exceed 10 F.T.E.) .....	\$163,222
Section 7.226. To the Department of Natural Resources	
For the cost of preparing bonds for sale and for the state's share of	
construction grants for waste water treatment facilities	
From the Water Pollution Control Fund .....	\$28,000,000
Section 7.228. To the Department of Natural Resources	
For the Division of Environmental Quality	
For Flood Damage Reduction of the Meramec River	
From General Revenue Fund .....	\$25,000
From Federal Funds .....	75,000
Total .....	\$100,000

# APPROPRIATIONS

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<b>Section 7.230. To the Department of Natural Resources</b>	
For the Division of Environmental Quality—Water Resources Planning Program	
For participation by the State of Missouri in the Upper Mississippi River Basin Commission	
From General Revenue Fund .....	\$30,000
<b>Section 7.235. To the Department of Natural Resources</b>	
For the Division of Environmental Quality—Water Resources Planning Program	
For participation by the State of Missouri in the Missouri River Basin Commission	
From General Revenue Fund .....	\$24,720
<b>Section 7.240. To the Department of Natural Resources</b>	
For the Division of Environmental Quality—Water Resources Planning Program	
For participation by the State of Missouri in the Arkansas-White-Red River Basin Inter-Agency Committee	
From General Revenue Fund .....	\$4,000
<b>Section 7.245. To the Department of Natural Resources</b>	
For the Division of Environmental Quality—Water Resources Planning Program	
For participation by the State of Missouri in the Arkansas River Basin Inter-State Committee	
From General Revenue Fund .....	\$3,000
<b>Section 7.250. To the Department of Natural Resources</b>	
For the Division of Environmental Quality—Water Resources Planning Program	
For Grants to administer the Water Resources Planning Program	
From Federal Funds .....	\$200,000
<b>Section 7.255. To the Department of Natural Resources</b>	
For the Division of Geology and Land Survey—Administration and General Support	
Personal Service .....	\$290,553
Expense and Equipment .....	151,101
<hr/>	
From General Revenue Fund	
(Not to exceed 23.5 F.T.E.) .....	\$441,654
<b>Section 7.260. To the Department of Natural Resources</b>	
For the Division of Geology and Land Survey	
For research and development of Natural Resources Interpretation Data Systems and for studies of trace element in Missouri coals	
From Federal Funds .....	\$60,000
<b>Section 7.265. To the Department of Natural Resources</b>	
For the Division of Geology and Land Survey—Geological Survey	
Personal Service .....	\$527,950
Expense and Equipment .....	185,150
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From General Revenue Fund	
(Not to exceed 36.75 F.T.E.) .....	\$713,100

<b>Section 7.270. To the Department of Natural Resources</b>	
<b>For the Division of Geology and Land Survey—Geological Investigations</b>	
From Federal Funds .....	\$460,435
<b>Section 7.275. To the Department of Natural Resources</b>	
<b>For the Division of Geology and Land Survey—Land Survey</b>	
Personal Service .....	\$191,262
Expense and Equipment .....	58,915
From General Revenue Fund	
(Not to exceed 15.5 F.T.E.) .....	\$250,177
<b>Section 7.280. To the Department of Natural Resources</b>	
<b>For the Division of Geology and Land Survey—Land Survey</b>	
<b>For receipt of funds from local governments for surveying corners and records restoration</b>	
From Federal and Other Sources .....	\$65,000
<b>Section 7.285. To the Department of Natural Resources</b>	
<b>For the Division of Parks and Recreation—Administration</b>	
Personal Service .....	\$487,243
Expense and Equipment .....	119,768
From General Revenue Fund .....	607,011
Personal Service .....	108,437
Expense and Equipment .....	47,056
From Federal Funds .....	155,493
Total (Not to exceed 40.75 F.T.E.) .....	\$762,504
<b>Section 7.290. To the Department of Natural Resources</b>	
<b>For the Division of Planning and Policy Development</b>	
<b>For grants-in-aid from the Land and Water Conservation Fund to state agencies and political subdivisions for outdoor recreation projects</b>	
From Federal Funds .....	\$10,500,000
<b>Section 7.295. To the Department of Natural Resources</b>	
<b>For the Division of Parks and Recreation—Parks and Historic Sites</b>	
Personal Service .....	\$3,447,827
Expense and Equipment .....	1,732,214
From General Revenue Fund .....	5,180,041
Personal Service .....	69,227
Expense and Equipment .....	34,210
From Federal Funds .....	103,437
Personal Service .....	82,071
Expense and Equipment .....	38,413
From Babler Trust Fund .....	120,484
Total (Not to exceed 395.16 F.T.E.) .....	\$5,403,962

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Section 7.300. To the Department of Natural Resources	
For the Division of Parks and Recreation--Parks and Historic Sites	
For Economic Development Assistance Grants	
From Federal Funds .....	\$2,000,000
Section 7.305. To the Department of Natural Resources	
For the Division of Parks and Recreation--Parks and Historic Sites	
For Lake Demonstration Grant Projects	
From Federal Funds .....	\$2,000,000
Section 7.310. To the Department of Natural Resources	
For the Division of Parks and Recreation--Parks and Historic Sites	
For Youth Adult Conservation Corps	
From Federal Funds .....	\$1,000,000
Section 7.315. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For Special Programs	
From General Revenue Fund .....	\$3,750
Section 7.320. There is transferred out of the State Treasury,	
chargeable to the State Park Fund, Forty Thousand Dollars	
(\$40,000) to the State Park Board Revolving Fund	
From State Park Fund .....	\$40,000
Section 7.325. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For all expenses incurred in the operation of State Park concessions	
projects or facilities when such operations are assumed by the	
Department of Natural Resources	
From the State Park Revolving Fund .....	\$40,000
Section 7.326. To the Department of Natural Resources	
For the Division of Parks and Recreation	
For Lewis and Clark State Park dredging operation	
Personal Service .....	\$75,198
Expense and Equipment .....	60,000
From General Revenue Fund (Not to exceed 8 F.T.E.) .....	\$135,198
Section 7.330. To the Department of Consumer Affairs, Regulation	
and Licensing	
For Departmental Administrative Services	
Personal Service .....	\$416,258
Expense and Equipment .....	105,236
From General Revenue Fund .....	521,494
Expense and Equipment	
From Board of Accountancy Fund .....	1,000
From Board of Chiropractors Fund .....	500
From Board of Cosmetology Fund .....	5,000
From Embalmers and Funeral Directors Fund .....	1,000
From Board of Registration for the Healing Arts Fund .....	2,000
From Board of Nursing Fund .....	7,000
From Board of Pharmacy Fund .....	3,900



From Real Estate Commission Fund .....	7,000
From Missouri Veterinary Medical Board Fund .....	500
Total (Not to exceed 24 F.T.E.) .....	<u>\$548,494</u>
<b>Section 7.335. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Administrative Hearing Commission</b>	
Personal Service .....	\$71,772
Expense and Equipment .....	<u>51,973</u>
From General Revenue Fund	
(Not to exceed 4 F.T.E.) .....	<u>\$123,745</u>
<b>Section 7.340. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Division of Credit Unions—Administration</b>	
Personal Service .....	\$185,171
Expense and Equipment .....	<u>47,887</u>
From General Revenue Fund	
(Not to exceed 13 F.T.E.) .....	<u>\$233,058</u>
<b>Section 7.345. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Division of Finance</b>	
Personal Service .....	\$1,657,225
Expense and Equipment .....	<u>509,376</u>
From General Revenue Fund	
(Not to exceed 111 F.T.E.) .....	<u>\$2,166,601</u>
<b>Section 7.350. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Missouri Commission on Human Rights—Administration</b>	
Personal Service .....	\$471,377
Expense and Equipment .....	<u>114,978</u>
From General Revenue Fund .....	586,355
Personal Service .....	131,743
Expense and Equipment .....	<u>39,965</u>
From Federal Funds .....	<u>171,708</u>
Total (Not to exceed 51.5 F.T.E.) .....	<u>\$758,063</u>
<b>Section 7.355. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Division of Insurance</b>	
Personal Service .....	\$1,033,427
Expense and Equipment .....	<u>324,664</u>
From General Revenue Fund	
(Not to exceed 84.75 F.T.E.) .....	<u>\$1,358,091</u>

# APPROPRIATIONS

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<b>Section 7.360. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Office of the Public Counsel</b>	
Personal Service .....	\$220,595
Expense and Equipment .....	94,171
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<b>From General Revenue Fund</b>	
(Not to exceed 12 F.T.E.) .....	\$314,766
 <b>Section 7.365. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Public Service Commission—Executive</b>	
Personal Service .....	\$188,130
Expense and Equipment .....	30,499
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<b>From Public Service Commission Fund</b> .....	218,629
Personal Service .....	173,181
Expense and Equipment .....	3,647
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<b>From State Highway Department Fund</b> .....	176,828
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<b>Total (Not to exceed 16 F.T.E.)</b> .....	\$395,457
 <b>Section 7.370. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Public Service Commission</b>	
<b>For Administration Division/Secretary</b>	
Personal Service .....	\$299,092
Expense and Equipment .....	319,289
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<b>From Public Service Commission Fund</b> .....	618,381
Personal Service .....	353,951
Expense and Equipment .....	97,909
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<b>From State Highway Department Fund</b> .....	451,860
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<b>Total (Not to exceed 49.66 F.T.E.)</b> .....	\$1,070,241
 <b>Section 7.375. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Public Service Commission</b>	
<b>For Commission Counsel</b>	
Personal Service .....	\$136,240
Expense and Equipment .....	12,365
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<b>From Public Service Commission Fund</b> .....	148,605
Personal Service .....	78,151
Expense and Equipment .....	646
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<b>From State Highway Department Fund</b> .....	78,797
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<b>Total (Not to exceed 12 F.T.E.)</b> .....	\$227,402
 <b>Section 7.380. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Public Service Commission</b>	

For Utility Research and Planning Division	
Personal Service .....	\$164,084
Expense and Equipment .....	15,539
	<hr/>
From Public Service Commission Fund	
(Not to exceed 10.5 F.T.E.) .....	\$179,623
Section 7.385. To the Department of Consumer Affairs, Regulation and Licensing	
For Public Service Commission	
For Utility Rates Division	
Personal Service .....	\$852,526
Expense and Equipment .....	401,338
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From Public Service Commission Fund	
(Not to exceed 50 F.T.E.) .....	\$1,253,864
Section 7.390. To the Department of Consumer Affairs, Regulation and Licensing	
For Public Service Commission	
For Utilities Services Division	
Personal Service .....	\$678,928
Expense and Equipment .....	139,604
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From Public Service Commission Fund	
(Not to exceed 40 F.T.E.) .....	\$818,532
Section 7.395. To the Department of Consumer Affairs, Regulation and Licensing	
For Public Service Commission	
For Transportation Division	
Personal Service	
From Public Service Commission Fund .....	\$23,958
Personal Service .....	591,596
Expense and Equipment .....	223,043
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From State Highway Department Fund .....	814,639
	<hr/>
Total (Not to exceed 40 F.T.E.) .....	\$838,597
Section 7.400. To the Department of Consumer Affairs, Regulation and Licensing	
For the Public Service Commission	
For refunds to motor carriers	
From State Highway Department Fund .....	\$15,000
Section 7.405. To the Department of Consumer Affairs, Regulation and Licensing	
For the Public Service Commission	
For the purpose of protecting the public against hazards existing at railroad crossings pursuant to Public Service Commission action under Chapter 152, RSMo, 1975	
From the Grade Crossing Fund .....	\$500,000
Section 7.410. To the Department of Consumer Affairs, Regulation and Licensing	

# APPROPRIATIONS

47

For Public Service Commission

For Mobile Homes

Personal Service .....	\$118,075
Expense and Equipment .....	36,643

From General Revenue Fund

(Not to exceed 8.5 F.T.E.) .....	\$154,718
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Section 7.415. To the Department of Consumer Affairs, Regulation and Licensing

For the Division of Savings and Loan Supervision

Personal Service .....	\$179,689
Expense and Equipment .....	71,082

From General Revenue Fund

(Not to exceed 10.25 F.T.E.) .....	\$250,771
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Section 7.420. To the Department of Consumer Affairs, Regulation and Licensing

For the Missouri State Council on the Arts

Personal Service .....	\$139,399
Expense and Equipment .....	86,164

From General Revenue Fund .....

225,563

Personal Service .....	31,545
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Expense and Equipment .....	16,319
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From Federal Funds .....

47,864

Total (Not to exceed 12.62 F.T.E.) .....	\$273,427
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Section 7.425. To the Department of Consumer Affairs, Regulation and Licensing

For the Missouri State Council on the Arts

For participation with local organizations in cultural projects

From General Fund .....	\$2,305,205
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For Missouri Botanical Gardens for operations and improvements

from General Revenue Fund .....

For participation with local organizations in cultural projects

From Federal Funds .....	413,400
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Total .....	\$2,718,605
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I hereby veto a portion of the Section by deleting the words "For Missouri Botanical Gardens for operations and improvements

from General Revenue Fund .....

75,000"

and by vetoing the total by \$75,000 from \$2,793,605 to \$2,718,605 for the reason that this specific appropriation was not requested by the Department of Consumer Affairs, Regulation and Licensing and such an appropriation for a specified project invades the statutory prerogative of the Missouri Arts Council to determine which projects to fund. I cannot approve line item appropriations for specified programs or purposes which deprive the Arts Council of its freedom to judge applications for funding on their merits.

JOSEPH P. TEASDALE, Governor

Section 7.430. To the Department of Consumer Affairs, Regulation and Licensing

For the Division of Community Development—Administration,

Community Facilities Financing Program, Community Management and Community Betterment Field	
Personal Service .....	\$102,528
Expense and Equipment .....	86,196
From General Revenue Fund .....	188,724
Personal Service .....	126,152
Expense and Equipment .....	26,145
From Federal Funds .....	152,297
Total (Not to exceed 15.5 F.T.E.) .....	\$341,021
Section 7.435. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Community Development	
For Neighborhood Assistance Program	
Personal Service .....	\$42,933
Expense and Equipment .....	10,560
From General Revenue Fund	
(Not to exceed 3 F.T.E.) .....	\$53,493
Section 7.440. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Community Development	
For Missouri Community Betterment	
Personal Service .....	\$47,996
Expense and Equipment .....	19,340
From General Revenue Fund	
(Not to exceed 3 F.T.E.) .....	\$67,336
Section 7.445. To the Department of Consumer Affairs, Regulation and Licensing	
For Community Development	
For operations of Housing and Community Development Block Grant	
Personal Service .....	\$39,879
Expense and Equipment .....	33,681
From Federal Funds (Not to exceed 3 F.T.E.) .....	\$73,560
Section 7.450. To the Department of Consumer Affairs, Regulation and Licensing	
For the Division of Community Development	
For Community Service and Continuing Education .....	\$655,347
For Intergovernmental Personnel Act, U.S. Civil Service Commission .....	739,981
From Federal Funds .....	\$1,395,328
Section 7.455. To the Department of Consumer Affairs, Regulation and Licensing	
For Commerce and Industrial Development Administration--Marketing, Research and Communication	

# APPROPRIATIONS

49

Personal Service .....	\$396,761
Expense and Equipment .....	307,151
From General Revenue Fund	
(Not to exceed 26.5 F.T.E.) .....	\$703,912
Section 7.460. To the Department of Consumer Affairs, Regulation and Licensing	
For Commerce and Industrial Development	
For International Business Development	
Personal Service .....	\$32,430
Expense and Equipment .....	208,613
From General Revenue Fund	
(Not to exceed 2 F.T.E.) .....	\$241,043
Section 7.465. To the Department of Consumer Affairs, Regulation and Licensing	
For Commerce and Industrial Development	
For Community and Professional Relations	
Personal Service .....	\$8,732
Expense and Equipment .....	9,899
From General Revenue Fund .....	\$18,631
Personal Service .....	21,620
Expense and Equipment .....	15,876
From Federal Funds .....	37,496
Total (Not to exceed 2 F.T.E.) .....	\$56,127
Section 7.470. To the Department of Consumer Affairs, Regulation and Licensing	
For the Missouri Housing Development Commission	
For increasing supply of housing for low and moderate income per- sons and families	
Personal Service .....	\$486,821
Expense and Equipment .....	97,179
From General Revenue Fund .....	584,000
Expense and Equipment	
From Missouri Housing Development Commission Fund .....	201,192
Total (Not to exceed 31 F.T.E.) .....	\$785,192
Section 7.480. To the Department of Consumer Affairs, Regulation and Licensing	
For State Environmental Improvement Authority	
Personal Service	
From General Revenue Fund .....	\$14,922
Personal Service .....	6,500
Expense and Equipment .....	69,286
From State Environmental Improvement Authority Fund .....	75,786
Total (Not to exceed 1.25 F.T.E.) .....	\$90,708

<b>Section 7.485. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Division of Tourism--Administration</b>	
Personal Service .....	\$97,482
Expense and Equipment .....	548,711
	<hr/>
From General Revenue Fund .....	646,193
Expense and Equipment .....	
From Federal Funds .....	20,000
	<hr/>
Total (Not to exceed 6 F.T.E.) .....	\$666,193
 <b>Section 7.490. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Division of Tourism--Promotion and Marketing</b>	
Personal Service .....	\$115,009
Expense and Equipment .....	275,389
	<hr/>
From General Revenue Fund	
(Not to exceed 10.25 F.T.E.) .....	\$390,398
 <b>Section 7.495. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Division of Tourism Information Centers</b>	
Personal Service .....	\$126,821
Expense and Equipment .....	31,396
	<hr/>
From General Revenue Fund	
(Not to exceed 14 F.T.E.) .....	\$158,217
 <b>Section 7.496. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Office of Minority Business Enterprise</b>	
Personal Service .....	\$17,325
Expense and Equipment .....	8,525
	<hr/>
From General Revenue Fund .....	25,850
Personal Service .....	38,634
Expense and Equipment .....	36,008
	<hr/>
From Federal Funds .....	74,642
	<hr/>
Total (Not to exceed 4 F.T.E.) .....	\$100,492
 <b>Section 7.500. To the Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For Division of Professional Registration</b>	
<b>Administration</b>	
Personal Service .....	\$90,687
Expense and Equipment .....	65,997
	<hr/>
From General Revenue Fund	
(Not to exceed 7.5 F.T.E.) .....	\$156,684
 <b>Section 7.505. To the Department of Consumer Affairs, Regulation and Licensing</b>	

# APPROPRIATIONS

51

For the State Board of Accountancy	
Personal Service .....	\$44,750
Expense and Equipment .....	94,458
	<hr/>
From State Board of Accountancy Fund	
(Not to exceed 4 F.T.E.) .....	\$139,208
Section 7.510. To the Department of Consumer Affairs, Regulation and Licensing	
For Missouri Board of Registration for Architects, Engineers and Land Surveyors	
Personal Service .....	\$84,088
Expense and Equipment .....	100,155
	<hr/>
From General Revenue Fund	
(Not to exceed 6.3 F.T.E.) .....	\$184,243
Section 7.515. To the Department of Consumer Affairs, Regulation and Licensing	
Division of Professional Registration	
For the Division of Athletics	
Personal Service .....	\$22,363
Expense and Equipment .....	7,505
	<hr/>
From General Revenue Fund	
(Not to exceed 1.2 F.T.E.) .....	\$29,868
Section 7.520. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Barbers Examiners	
Personal Service .....	\$50,636
Expense and Equipment .....	14,880
	<hr/>
From State Board of Barbers Examiners Fund	
(Not to exceed 2 F.T.E.) .....	\$65,516
Section 7.525. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Chiropractic Examiners	
Personal Service .....	\$15,805
Expense and Equipment .....	8,100
	<hr/>
From the State Board of Chiropractic Examiners Fund	
(Not to exceed 1.65 F.T.E.) .....	\$23,905
Section 7.530. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Cosmetology	
Personal Service .....	\$181,874
Expense and Equipment .....	90,390
	<hr/>
From the State Board of Cosmetology Fund	
(Not to exceed 20.5 F.T.E.) .....	\$272,264
Section 7.535. To the Department of Consumer Affairs, Regulation and Licensing	



For the Missouri Dental Board	
Personal Service .....	\$62,611
Expense and Equipment .....	25,751
	<hr/>
From General Revenue Fund	
(Not to exceed 4.2 F.T.E.) .....	\$88,362
<b>Section 7.540. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the State Board of Embalmers and Funeral Directors	
Personal Service .....	\$27,590
Expense and Equipment .....	27,842
	<hr/>
From the State Board of Embalmers and Funeral Directors Fund	
(Not to exceed 2.25 F.T.E.) .....	\$55,432
<b>Section 7.545. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the State Board of Registration for the Healing Arts	
Personal Service .....	\$139,818
Expense and Equipment .....	128,198
	<hr/>
From the Board of Registration for the Healing Arts Fund	
(Not to exceed 11.5 F.T.E.) .....	268,016
For Professional Speech Pathologists and Clinical Audiologists	
Personal Service .....	13,845
Expense and Equipment .....	5,540
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From General Revenue Fund	
(Not to exceed 1.5 F.T.E.) .....	19,385
<b>Total .....</b>	<b>\$287,401</b>
<b>Section 7.550. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the Council for Hearing Aid Dealers and Fitters	
Personal Service .....	\$14,805
Expense and Equipment .....	9,515
	<hr/>
From General Revenue Fund	
(Not to exceed 1.35 F.T.E.) .....	\$24,320
<b>Section 7.555. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the State Board of Nursing	
Personal Service .....	\$123,069
Expense and Equipment .....	113,712
	<hr/>
From the State Board of Nursing Fund	
(Not to exceed 11 F.T.E.) .....	\$236,781
<b>Section 7.560. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the State Board of Optometry	
Personal Service .....	\$4,479

# APPROPRIATIONS

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Expense and Equipment .....	5,699
From Board of Optometry Fund	
(Not to exceed .2 F.T.E.) .....	\$10,178
Section 7.565. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Pharmacy	
Personal Service .....	\$75,777
Expense and Equipment .....	50,037
From State Board of Pharmacy Fund	
(Not to exceed 5.0 F.T.E.) .....	\$125,814
Section 7.570. To the Department of Consumer Affairs, Regulation and Licensing	
For the State Board of Podiatry	
Personal Service .....	\$1,039
Expense and Equipment .....	1,305
From the State Board of Podiatry Fund	
(Not to exceed .1 F.T.E.) .....	\$2,344
Section 7.575. To the Department of Consumer Affairs, Regulation and Licensing	
For the Missouri Real Estate Commission	
Personal Service .....	\$102,872
Expense and Equipment .....	362,856
From the Real Estate Commission Fund	
(Not to exceed 9.5 F.T.E.) .....	\$465,728
Section 7.580. To the Department of Consumer Affairs, Regulation and Licensing	
For the Missouri Veterinary Medical Board	
Personal Service .....	\$9,015
Expense and Equipment .....	7,609
From the Missouri Veterinary Medical Board Fund	
(Not to exceed 1.0 F.T.E.) .....	\$16,624
Section 7.585. To the Department of Consumer Affairs, Regulation and Licensing	
For the Regulation and Licensing of Employment Agencies	
Personal Service .....	\$30,219
Expense and Equipment .....	15,220
From General Revenue Fund	
(Not to exceed 2.5 F.T.E.) .....	\$45,439
Section 7.590. To the Department of Consumer Affairs, Regulation and Licensing	
For the Board of Healing Arts--Psychology	
Personal Service .....	\$7,500

Expense and Equipment .....	1,000
From the Board of Registration for the Healing Arts Fund (Not to exceed 1.0 F.T.E.) .....	\$8,500
<b>Section 7.600. To the Department of Labor and Industrial Relations For Departmental Administrative Services</b>	
Personal Service .....	\$93,599
Expense and Equipment .....	19,573
From General Revenue Fund .....	\$113,172
Personal Service .....	99,105
Expense and Equipment .....	18,955
From Unemployment Compensation	
Administration Fund .....	118,060
Personal Service .....	82,586
Expense and Equipment .....	18,115
From Workmen's Compensation Fund .....	100,701
Total (Not to exceed 13 F.T.E.) .....	\$331,933
<b>Section 7.605. To the Department of Labor and Industrial Relations For the Division of Employment Security—Administration</b>	
Personal Service .....	\$33,172,379
Expense and Equipment .....	70,038,064
From Unemployment Compensation	
Administration Fund .....	103,210,443
Expense and Equipment	
From Unemployment Compensation Administration Fund (Work Incentive Program) .....	400,000
Total (Not to exceed 2,689 F.T.E.) .....	\$103,610,443
<b>Section 7.610. To the Department of Labor and Industrial Relations For the Division of Employment Security</b>	
For administration of the public service employment program under contract with the Office of Manpower Planning, Department of Social Services, to provide job training and employment op- portunities for economically disadvantaged, unemployed and underemployed persons	
Personal Service	
From Unemployment Compensation Administration Fund (Not to exceed 1,131 F.T.E.) .....	\$9,773,473
<b>Section 7.615. To the Department of Labor and Industrial Relations For the Division of Employment Security</b>	
For the Administration of the Missouri Employment Security Law and for the refund of interest collected on contributions found to be erroneously collected and paid into the Special Employ- ment Security Fund and for the purchase of buildings, land and the erection of buildings	
From Special Employment Securities Fund .....	\$1,222,413

# APPROPRIATIONS

55

## Section 7.620. To the Department of Labor and Industrial Relations For the State Board of Mediation

Personal Service .....	\$35,884
Expense and Equipment .....	10,195

From General Revenue Fund (Not to exceed 2 F.T.E.) .....	\$46,079
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## Section 7.625. To the Department of Labor and Industrial Relations For the Division of Labor Standards

Personal Service .....	\$377,700
Expense and Equipment .....	106,750

From General Revenue Fund (Not to exceed 27 F.T.E.) .....	\$484,450
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## Section 7.630. To the Department of Labor and Industrial Relations For the Division of Labor Standards

For implementation of a public employee safety and health program to assure safe and healthful working conditions in government facilities

Personal Service .....	\$21,315
Expense and Equipment .....	25,644

From General Revenue Fund .....	46,959
Personal Service .....	71,360
Expense and Equipment .....	76,934

From Federal Funds .....	148,294
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Total (Not to exceed 7 F.T.E.) .....	\$195,253
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## Section 7.640. To the Department of Labor and Industrial Relations For the Division of Labor Standards

For implementation of a mine health and safety training program for aiding mining entities in the prevention of deaths and injuries to miners and enforcement of mine health and safety laws

Personal Service .....	\$143,256
Expense and Equipment .....	390,899

From Federal Funds (Not to exceed 9 F.T.E.) .....	\$534,155
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## Section 7.645. To the Department of Labor and Industrial Relations For Division of Workmen's Compensation—Administration

Personal Service .....	\$33,165
Expense and Equipment .....	37,702

From Federal Funds .....	70,867
Personal Service .....	1,846,633

Expense and Equipment .....	256,002
From Workmen's Compensation Fund .....	2,102,635
Total (Not to exceed 115 F.T.E.) .....	\$2,173,502
<b>Section 7.650. To the Department of Labor and Industrial Relations For the Payment of Special Claims</b>	
From Second Injury Fund .....	\$700,000
<b>Section 7.655. To the Department of Labor and Industrial Relations For Governor's Committee for Employment of the Handicapped— Administration</b>	
Personal Service .....	\$37,780
Expense and Equipment .....	20,000
From General Revenue Fund (Not to exceed 3 F.T.E.) .....	\$57,780

\*Unnumbered section at end of this bill vetoed (See C. C. S. H. B. 1002, p. 13)

Approved May 3, 1978.

[C. C. S. H. B. 1008]

**APPROPRIATIONS: Department of Highways, Department of Public Safety and  
Department of Transportation.**

**AN ACT** to appropriate money for the expenses, grants, refunds and distributions of the Department of Highways, Department of Public Safety, and Department of Transportation, for the period beginning July 1, 1978 and ending June 30, 1979.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

<b>Section 8.010. To the Department of Highways For the State Highway Commission—Administration</b>	
Personal Service .....	\$19,521,058
Expense and Equipment .....	3,316,536
From State Highway Department Fund (Not to exceed 687 F.T.E.) .....	\$22,837,594

**Section 8.020. To the Department of Highways**

To pay the costs of reimbursing the counties and other political subdivisions for the acquisitions of roads and bridges taken over by the state as permanent parts of the system of state highways and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, improving, repairing and maintaining those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30 of the Constitution; of acquiring materials, equipment and buildings necessary for such purposes and for other purposes and contingencies relating to the location, construction and maintenance of highways and bridges

# APPROPRIATIONS

57

From State Road Fund .....	\$300,000,000
For all apportionments, grants and other funds which may be received from the United States Government under Title 23 of the United States Code, and amendments thereto for the purpose of planning and design, surveys, acquisitions of rights-of-way, construction and maintenance by the State Highway Commission	
From Federal Funds .....	200,000,000
Total .....	\$500,000,000

## Section 8.030. To State Highway Commission

For State Highway Department—Mississippi River Parkway Commission

From General Revenue Fund .....	\$7,500
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## Section 8.040. To the Department of Transportation

For Departmental Administrative Services

Personal Service .....	\$28,600
Expense and Equipment .....	16,488
From General Revenue Fund .....	45,088
Personal Service	
From Federal Funds .....	36,628
Total (Not to exceed 3.5 F.T.E.) .....	\$81,716

## Section 8.050. To the Department of Transportation

For the Planning Program

Personal Service .....	\$11,426
Expense and Equipment .....	6,149
From General Revenue Fund .....	17,575
Personal Service	
From Federal Funds .....	29,380
Total (Not to exceed 2 F.T.E.) .....	\$46,955

## Section 8.060. To the Department of Transportation

For the Transit Program

Personal Service .....	\$12,207
Expense and Equipment .....	3,884
From General Revenue Fund .....	16,091
Personal Service .....	48,834
Expense and Equipment .....	15,536
From Federal Funds .....	64,370
Total (Not to exceed 4 F.T.E.) .....	\$80,461

## Section 8.070. To the Department of Transportation

For the Transit Program

For the funding of an operating subsidy to not-for-profit transporters of the elderly, handicapped, and low income

From General Revenue Fund .....	\$550,000
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**Section 8.080. To the Department of Transportation****For the Transit Program**

For Grant under Section 5 of the National Mass Transportation Assistance Act of 1974 for funds to small urbanized areas

From Federal Funds ..... \$3,000,000

**Section 8.090. To the Department of Transportation****For the Transit Program**

For Capital Improvement Grants under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended, to assist private, non-profit organizations in improving public transportation for State's elderly and handicapped

From Federal and Other Funds ..... \$643,750

**Section 8.100. To the Department of Transportation****For the Transit Program**

For grants under Section 147 of the Federal-Aid Highway Act of 1973 for a rural public transportation demonstration project

From Federal Funds ..... \$66,000

**Section 8.110. To the Department of Transportation****For the Rail Program**

Personal Service ..... \$10,200

Expense and Equipment ..... 13,010

From General Revenue Fund ..... 23,210

Personal Service ..... 40,800

Expense and Equipment ..... 103,168

From Federal Funds ..... 143,968

Total (Not to exceed 3 F.T.E.) ..... \$167,178

**Section 8.120. To the Department of Transportation****For the Rail Program**

For Grants under Section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 for rail planning, research and rail line preservation projects

From Federal and Other Funds ..... \$3,712,500

**Section 8.130. To the Department of Transportation****For the Financial Program**

Personal Service ..... \$8,338

Expense and Equipment ..... 8,244

From General Revenue Fund ..... 16,582

Personal Service

From Federal Funds ..... 19,457

Total (Not to exceed 2 F.T.E.) ..... \$36,039

**Section 8.140. To the Department of Transportation****For the Aviation Program**

Personal Service ..... \$65,302

# APPROPRIATIONS

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Expense and Equipment .....	47,255
From General Revenue Fund	
(Not to exceed 4.5 F.T.E.) .....	\$112,557
Section 8.150. To the Department of Transportation	
For the Aviation Program	
For the purchase, construction or improvement of publicly owned airfields by cities or other political subdivisions under the pro- visions of Section 305.230, RSMo, 1969	
From General Revenue Fund .....	\$200,000
Section 8.155. To the Department of Transportation	
For the Aviation Program	
For the inspection, study and review of general aviation airport facilities	
From Federal Funds .....	\$30,000
Section 8.160. To the Department of Transportation	
For the Port Program	
Personal Service .....	\$32,579
Expense and Equipment .....	5,802
From General Revenue Fund .....	38,381
Expense and Equipment .....	
From Federal Funds .....	8,333
Total (Not to exceed 2 F.T.E.) .....	\$46,714
Section 8.170. To the Department of Transportation	
For the Port Program	
For grants to port authorities for assistance in port planning, acqui- sition, or construction within the port districts	
From General Revenue Fund .....	\$150,000
Section 8.180. To the Department of Transportation	
For Missouri—St. Louis Metropolitan Airport Authority	
For Departmental Administrative Services	
Personal Service .....	\$65,914
Expense and Equipment .....	185,893
From General Revenue Fund	
(Not to exceed 4 F.T.E.) .....	\$251,807
Section 8.190. To the Department of Transportation	
For Missouri—St. Louis Metropolitan Airport Authority	
For Commercial Aviation Development and Planning—Airport Community Environs Comprehensive Plan	
Personal Service .....	\$6,000
Expense and Equipment .....	243,750
From General Revenue Fund .....	249,750
Personal Service .....	18,000



Expense and Equipment .....	506,270
From Federal Funds .....	524,270
Total (Not to exceed 2 F.T.E.) .....	\$774,020

Section 8.200. To the Department of Transportation  
For Missouri—St. Louis Metropolitan Airport Authority  
For Regional Airport Systems Plan

Expense and Equipment .....	
From General Revenue Fund .....	\$25,000
From Federal Funds .....	65,000
Total .....	\$90,000

Section 8.210. To the Department of Public Safety

For the Office of Director	
Personal Service .....	\$21,473
Expense and Equipment .....	2,588
From General Revenue Fund .....	24,061
Expense and Equipment .....	
From Federal Funds .....	47,330
Personal Service .....	112,731
Expense and Equipment .....	19,542
From State Highway Department Fund .....	132,273
Total (Not to exceed 8 F.T.E.) .....	\$203,664

Section 8.220. To the Department of Public Safety

For the State Highway Patrol—Administration and General Support

Expense and Equipment .....	
From Federal Funds .....	\$72,000
Personal Service .....	1,381,722
Expense and Equipment .....	175,904
From State Highway Department Fund .....	1,557,626
Total (Not to exceed 85 F.T.E.) .....	\$1,629,626

Section 8.230. To the Department of Public Safety

For the State Highway Patrol—Enforcement

Personal Service .....	\$970,401
Expense and Equipment .....	77,503
From General Revenue Fund .....	1,047,904
Personal Service .....	216,457
Expense and Equipment .....	1,348,695
From Federal Funds .....	1,565,152
Personal Service .....	18,656,583

# APPROPRIATIONS

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Expense and Equipment .....	6,338,638
From State Highway Department Fund .....	24,995,221
Total (Not to exceed 1250 F.T.E.) .....	\$27,608,277

## Section 8.240. To the Department of Public Safety

### For the State Highway Patrol—Law Enforcement Academy

Personal Service .....	\$232,636
Expense and Equipment .....	96,643
From General Revenue Fund .....	329,279
Expense and Equipment .....	
From Federal Funds .....	180,477
Personal Service .....	206,300
Expense and Equipment .....	85,613
From State Highway Department Fund .....	291,913
Total (Not to exceed 32 F.T.E.) .....	\$801,669

## Section 8.250. To the Department of Public Safety

### For the State Highway Patrol—Vehicle and Driver Safety

Personal Service .....	\$3,533,155
Expense and Equipment .....	581,771
From State Highway Department Fund	
(Not to exceed 259 F.T.E.) .....	\$4,114,926

## Section 8.260. To the Department of Public Safety

### For the State Highway Patrol for the purpose of refunding unused motor vehicle inspection stickers

From State Highway Department Fund .....	\$30,000
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## Section 8.270. To the Department of Public Safety

### For the State Highway Patrol—Data Processing and Information Systems

Personal Service .....	\$568,182
Expense and Equipment .....	495,525
From Federal Funds .....	1,063,707
Personal Service .....	955,128
Expense and Equipment .....	1,300,980
From the State Highway Department Fund .....	2,256,108
Total (Not to exceed 99 F.T.E.) .....	\$3,319,815

## Section 8.280. To the Department of Public Safety

### For the State Highway Patrol for distribution to local criminal justice agencies for the purpose of developing and implementing the Offender Based Transaction and Computerized Criminal History System

From Federal Funds .....	\$562,234
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<b>Section 8.290. To the Department of Public Safety</b>	
<b>For the Division of Water Safety—Water Patrol</b>	
Personal Service .....	\$745,956
Expense and Equipment .....	447,014
From General Revenue Fund .....	1,192,970
Personal Service .....	30,299
Expense and Equipment .....	90,000
From Federal Funds .....	120,299
Total (Not to exceed 59 F.T.E.) .....	\$1,313,269
<b>Section 8.300. To the Department of Public Safety</b>	
<b>For the Division of Liquor Control—Administration</b>	
Personal Service .....	\$203,930
Expense and Equipment .....	46,748
From General Revenue Fund .....	250,678
From Federal Funds .....	9,600
Total (Not to exceed 20 F.T.E.) .....	\$260,278
<b>Section 8.310. To the Department of Public Safety</b>	
<b>For the Division of Liquor Control—Audit and Collection</b>	
Personal Service .....	\$114,409
Expense and Equipment .....	33,279
From General Revenue Fund	
(Not to exceed 9 F.T.E.) .....	\$147,688
<b>Section 8.320. To the Department of Public Safety</b>	
<b>For the Division of Liquor Control—Enforcement</b>	
Personal Service .....	\$835,315
Expense and Equipment .....	336,482
From General Revenue Fund	
(Not to exceed 60 F.T.E.) .....	\$1,171,797
<b>Section 8.330. To the Department of Public Safety</b>	
<b>For the Division of Liquor Control</b>	
<b>For refunds on unused liquor and beer licenses and for liquor and beer stamps not used and cancelled</b>	
From General Revenue Fund .....	\$30,000
<b>Section 8.340. To the Department of Public Safety</b>	
<b>For the State Fire Marshal—Fire Safety and Investigation</b>	
Personal Service .....	\$219,974
Expense and Equipment .....	92,534
From General Revenue Fund .....	312,508
Personal Service .....	45,441

# APPROPRIATIONS

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Expense and Equipment .....	47,866
From Federal Funds .....	93,307
Total (Not to exceed 21 F.T.E.) .....	\$405,815
Section 8.350. To the Department of Public Safety	
For the Division of Highway Safety	
Personal Service .....	\$53,925
Expense and Equipment .....	19,224
From General Revenue Fund .....	73,149
Personal Service .....	239,917
Expense and Equipment .....	121,485
From Federal Funds .....	361,402
Personal Service .....	115,947
Expense and Equipment .....	27,291
From State Highway Department Fund .....	143,238
Total (Not to exceed 25 F.T.E.) .....	\$577,789
Section 8.360. To the Department of Public Safety	
For the Division of Highway Safety	
For distribution to local units of government and other state agencies of funds provided by the National Highway Traffic Safety Administration for state and local Highway Safety programs	
From Federal Funds .....	\$9,621,456
Section 8.370. To the Department of Public Safety	
For the Missouri Council on Criminal Justice	
Personal Service .....	\$39,471
Expense and Equipment .....	22,355
From General Revenue Fund .....	61,826
Personal Service .....	355,239
Expense and Equipment .....	201,190
From Federal Funds .....	556,429
Total (Not to exceed 25 F.T.E.) .....	\$618,255
Section 8.380. To the Department of Public Safety	
For the Missouri Council on Criminal Justice	
All allotments, grants and contributions of funds from Federal and Other Sources, including funds received under the provisions of the Omnibus Crime Control and Safe Streets Act	
From Federal Funds .....	\$20,000,000
Section 8.390. To the Department of Public Safety	
For the Missouri Council on Criminal Justice	
For distribution to subgrantees as buy-in on local projects funded under the provisions of the Omnibus Crime Control and Safe Streets Act	
From General Revenue Fund .....	\$258,500

**Section 8.400. To the Department of Public Safety****For the Adjutant General—Missouri Military Forces—Administration**

Personal Service .....	\$672,065
Expense and Equipment .....	154,248

**From General Revenue Fund**

(Not to exceed 69 F.T.E.) ..... \$826,313

**Section 8.410. To the Department of Public Safety****For the Adjutant General—Missouri Military Forces—Field Support**

Personal Service .....	\$723,375
Expense and Equipment .....	613,289

**From General Revenue Fund**

(Not to exceed 108.5 F.T.E.) ..... \$1,336,664

**Section 8.420. To the Department of Public Safety****For the Adjutant General—Missouri Military****Forces—Missouri Military Academy**

Personal Service .....	\$6,353
Expense and Equipment .....	4,003

**From General Revenue Fund**

(Not to exceed 0.8 F.T.E.) ..... \$10,356

**Section 8.430. To the Department of Public Safety****For the Adjutant General****For distribution to enlisted members of the Missouri National Guard under the provisions of Senate Bill 124, an Act of the 79th General Assembly, First Regular Session****From General Revenue Fund** ..... \$619,500**Section 8.440. To the Department of Public Safety****For the Adjutant General—Disaster Planning and Operation/Administration and Emergency Operations**

Personal Service .....	\$151,214
Expense and Equipment .....	45,410

**From General Revenue Fund** ..... 196,624

Personal Service ..... 198,603

Expense and Equipment ..... 50,532

**From Federal Funds** ..... 249,135**Total (Not to exceed 26 F.T.E.)** ..... \$445,759**Section 8.450. To the Department of Public Safety****For the Adjutant General****For Disaster Planning and Operations Office****All allotments, grants and contributions from Federal and Other Sources which may be deposited in the State Treasury for the use of the Disaster Planning and Operations Office****From Federal and Other Sources** ..... \$7,115,000

# APPROPRIATIONS

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To provide matching funds for federal grants received under the individual and Family Grant Program, Public Law 93-288, Section 408

From General Revenue Fund .....	100,000
<b>Total .....</b>	<b>\$7,215,000</b>

\*Unnumbered section at end of this bill is vetoed (See C. C. S. H. B. 1002, p. 13).

Approved May 3, 1978.

[C. C. S. H. B. 1009]

## **APPROPRIATIONS: Department of Mental Health and Department of Social Services.**

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Mental Health and Department of Social Services for the period beginning July 1, 1978 and ending June 30, 1979.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 9.005. To the Department of Mental Health—Office of Director  
For Hospital Support and Services—Administration**

Personal Service .....	\$1,314,100
Expense and Equipment .....	276,288

From General Revenue Fund .....	1,590,388
Personal Service .....	167,612
Expense and Equipment .....	133,856

From Federal Funds .....	301,468
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<b>Total (Not to exceed 93.3 F.T.E.) .....</b>	<b>\$1,891,856</b>
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## **Section 9.010. To the Department of Mental Health—Office of Director**

**For the Administration of a State-Wide Comprehensive Alcoholism Treatment and Drug Abuse Program**

Personal Service .....	\$236,527
Expense and Equipment .....	208,988

From General Revenue Fund .....	445,515
Personal Service .....	536,625
Expense and Equipment .....	799,525

From Federal Funds .....	\$1,336,150
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<b>Total (Not to exceed 46.0 F.T.E.) .....</b>	<b>\$1,781,665</b>
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## **Section 9.015. To the Department of Mental Health—Office of Director**

**For the Mental Retardation Residential Facilities Licensure Program**

Personal Service .....	\$206,726
Expense and Equipment .....	103,483
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From General Revenue Fund	
(Not to exceed 14 F.T.E.) .....	\$310,209
 Section 9.020. To the Department of Mental Health—Office of Director	
For the Computer Center Program	
Personal Service .....	\$1,132,329
Expense and Equipment .....	438,676
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From General Revenue Fund	
(Not to exceed 83.51 F.T.E.) .....	\$1,571,005
 Section 9.025. To the Department of Mental Health—Office of Director	
For the Patient Placement Program as provided by Section 202.831, RSMo, 1969	
Operation	
From General Revenue Fund .....	\$18,468,582
 Section 9.030. To the Department of Mental Health—Office of Director	
For the administration of the Interstate Compact on Mental Health and the return of non-resident patients to their state of legal residence, pursuant to Sections 202.880 to 202.895, RSMo, 1969	
From General Revenue Fund .....	\$5,000
 Section 9.035. To the Department of Mental Health—Office of Director	
For the Resident Training Program	
Personal Service	
From General Revenue Fund .....	\$441,337
 Section 9.040. To the Department of Mental Health—Office of Director	
For Community Mental Health Services	
Expense and Equipment	
From General Revenue Fund .....	\$2,914,407
 Section 9.045. To the Department of Mental Health—Office of Director	
For the Purchase of Services under Title XX of the Social Security Act	
Expense and Equipment .....	\$5,300,000
For the Division of Mental Retardation—Developmental Disabili- ties—St. Louis Regional Center .....	589,378
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From Federal Funds .....	\$5,889,378
 Section 9.050. To the Department of Mental Health—Office of Director	
For Payments to Special School Districts	
Expense and Equipment	
From General Revenue Fund .....	\$400,318

# APPROPRIATIONS

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## Section 9.055. To the Department of Mental Health—Office of Director

Mental Health Authority 314D .....	\$287,000
Community Mental Health and Mental Retardation Construction .....	600,000
Developmental Disabilities Formula Grant .....	1,576,952
Comprehensive Alcohol Abuse and Alcoholism Treatment and Rehabilitation Act .....	1,520,545
Drug Abuse Formula and Treatment Grant .....	1,896,073
From Federal Funds .....	\$5,880,570

## Section 9.060. To the Department of Mental Health—

There is transferred out of the State Treasury, chargeable to the Program Improvement Fund, One Million Dollars (\$1,000,000) to the General Revenue Fund

From Program Improvement Fund .....	\$1,000,000
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## Section 9.065. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

For Farmington State Hospital

For Hospital Support and Services

Personal Service .....	\$3,373,916
Expense and Equipment .....	1,555,499

From General Revenue Fund .....	4,929,415
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Personal Service .....	
From Federal Funds .....	65,977

Total (Not to exceed 336.95 F.T.E.) .....	\$4,995,392
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## Section 9.070. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

For Farmington State Hospital

For Inpatient Services

Personal Service .....	\$4,578,775
Expense and Equipment .....	119,598

From General Revenue Fund .....	4,698,373
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Personal Service .....	91,595
Expense and Equipment .....	8,405

From Federal Funds .....	100,000
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Total (Not to exceed 460.08 F.T.E.) .....	\$4,798,373
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## Section 9.075. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

For Farmington State Hospital

For Community Services

Personal Service .....	\$203,306
Expense and Equipment .....	16,660

From General Revenue Fund .....	219,966
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Personal Service .....	
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From Federal Funds .....	77,204
Total (Not to exceed 26 F.T.E.) .....	<u>\$297,170</u>
Section 9.080. To the Department of Mental Health—Division of Alcohol and Drug Abuse	
For Farmington State Hospital	
For Alcohol and Drug Abuse Treatment	
Personal Service .....	\$507,554
Expense and Equipment .....	<u>53,565</u>
From General Revenue Fund	
(Not to exceed 49.0 F.T.E.) .....	<u>\$561,119</u>
Section 9.085. To the Department of Mental Health—Division of Comprehensive Psychiatric Services	
For Fulton State Hospital	
For Hospital Support and Services	
Personal Service .....	\$5,120,217
Expense and Equipment .....	<u>2,732,095</u>
From General Revenue Fund .....	<u>7,852,312</u>
Personal Service .....	91,404
Expense and Equipment .....	<u>1,084</u>
From Federal Funds .....	<u>92,488</u>
Total (Not to exceed 541.5 F.T.E.) .....	<u>\$7,944,800</u>
Section 9.090. To the Department of Mental Health—Division of Comprehensive Psychiatric Services	
For Fulton State Hospital	
For Inpatient Services	
Personal Service .....	\$8,626,031
Expense and Equipment .....	<u>37,644</u>
From General Revenue Fund .....	<u>8,663,675</u>
Personal Service	
From Federal Funds .....	<u>71,872</u>
Total (Not to exceed 834.52 F.T.E.) .....	<u>\$8,735,547</u>
Section 9.095. To the Department of Mental Health—Division of Comprehensive Psychiatric Services	
For Fulton State Hospital	
For Community Services	
Personal Service .....	\$314,184
Expense and Equipment .....	<u>11,670</u>
From General Revenue Fund	
(Not to exceed 23.45 F.T.E.) .....	<u>\$325,854</u>
Section 9.100. To the Department of Mental Health—Division of Alcohol and Drug Abuse	
For Fulton State Hospital	

# APPROPRIATIONS

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For Alcohol and Drug Abuse Treatment	
Personal Service .....	\$348,977
Expense and Equipment .....	1,322
	<hr/>
From General Revenue	
(Not to exceed 36.00 F.T.E.) .....	\$350,299
Section 9.105. To the Department of Mental Health—Division of	
Comprehensive Psychiatric Services	
For Nevada State Hospital	
For Hospital Support and Services	
Personal Service .....	\$146,924
Expense and Equipment .....	115,788
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From General Revenue Fund	
(Not to exceed 11.0 F.T.E.) .....	\$262,712
Section 9.110. To the Department of Mental Health—Division of	
Comprehensive Psychiatric Services	
For Nevada State Hospital	
For Inpatient Services	
Personal Service .....	\$1,475,274
Expense and Equipment .....	9,308
	<hr/>
From General Revenue Fund .....	1,484,582
Personal Service	
From Federal Funds .....	6,435
	<hr/>
Total (Not to exceed 142.0 F.T.E.) .....	\$1,491,017
Section 9.115. To the Department of Mental Health—Division	
of Comprehensive Psychiatric Services	
For Nevada State Hospital	
For Community Services	
Personal Service .....	\$100,853
Expense and Equipment .....	226,339
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From General Revenue Fund .....	327,192
Personal Service	
From Federal Funds .....	94,334
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Total (Not to exceed 16.0 F.T.E.) .....	\$421,526
Section 9.120. To the Department of Mental Health—Division of	
Alcohol and Drug Abuse	
For Nevada State Hospital	
For Alcohol and Drug Abuse Treatment	
Personal Service .....	\$212,436
Expense and Equipment .....	906
	<hr/>
From General Revenue Fund	
(Not to exceed 18.0 F.T.E.) .....	\$213,342
Section 9.125. To the Department of Mental Health—Division of	
Comprehensive Psychiatric Services	
For St. Joseph State Hospital	

## For Hospital Support and Services

Personal Service .....	\$3,205,462
Expense and Equipment .....	1,904,738

## From General Revenue Fund

(Not to exceed 344.05 F.T.E.) .....	\$5,110,200
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## Section 9.130. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

## For St. Joseph State Hospital

## For Inpatient Services

Personal Service .....	\$6,168,515
Expense and Equipment .....	45,396

From General Revenue Fund .....	6,213,911
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## Personal Service

From Federal Funds .....	94,719
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Total (Not to exceed 621.25 F.T.E.) .....	\$6,308,630
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## Section 9.135. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

## For St. Joseph State Hospital

## For Community Services

Personal Service .....	\$182,643
Expense and Equipment .....	1,700

From General Revenue Fund .....	184,343
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## Personal Service

From Federal Funds .....	192,569
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Total (Not to exceed 28.0 F.T.E.) .....	\$376,912
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## Section 9.140. To the Department of Mental Health—Division of Alcohol and Drug Abuse

## For St. Joseph State Hospital

## For Alcohol and Drug Abuse Treatment

Personal Service .....	\$257,407
Expense and Equipment .....	760

## From General Revenue Fund

(Not to exceed 26.0 F.T.E.) .....	\$258,167
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## Section 9.145. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

## For St. Louis State Hospital and Malcolm Bliss Mental Health Center

## For Hospital Support and Services

Personal Service .....	\$6,557,127
Expense and Equipment .....	4,366,667

From General Revenue Fund .....	10,923,794
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## Expense and Equipment

From Federal Funds .....	10,000
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Total (Not to exceed 592.68 F.T.E.) .....	\$10,933,794
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# APPROPRIATIONS

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<b>Section 9.150. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	
<b>For St. Louis State Hospital and Malcolm Bliss Mental Health Center</b>	
<b>For Inpatient Services</b>	
Personal Service .....	\$9,427,522
Expense and Equipment .....	49,000
	<hr/>
From General Revenue Fund .....	9,476,522
Personal Service .....	
From Federal Funds .....	99,579
	<hr/>
Total (Not to exceed 840.81 F.T.E.) .....	\$9,576,101

<b>Section 9.155. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	
<b>For St. Louis State Hospital and Malcolm Bliss Mental Health Center</b>	
<b>For Community Services</b>	
Personal Service .....	\$3,718,905
Expense and Equipment .....	116,960
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From General Revenue Fund .....	3,835,865
Personal Service .....	485,101
Expense and Equipment .....	56,000
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From Federal Funds .....	541,101
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Total (Not to exceed 286.51 F.T.E.) .....	\$4,376,966

<b>Section 9.160. To the Department of Mental Health—Division of Alcohol and Drug Abuse</b>	
<b>For St. Louis State Hospital and Malcolm Bliss Mental Health Center</b>	
<b>For Alcohol and Drug Abuse Treatment</b>	
Personal Service .....	\$1,776,243
Expense and Equipment .....	10,400
	<hr/>
From General Revenue Fund .....	1,786,643
Personal Service .....	
From Federal Funds .....	462,672
Personal Service .....	
From Detox .....	78,335
	<hr/>
Total (Not to exceed 180.95 F.T.E.) .....	\$2,327,650

<b>Section 9.165. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities</b>	
<b>For St. Louis State Hospital</b>	
<b>For the Developmental Disabilities Treatment Center</b>	
Personal Service .....	\$3,575,303
Expense and Equipment .....	71,770
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From General Revenue Fund .....	3,647,073
Personal Service .....	130,338

Expense and Equipment .....	1,140
From Federal Funds .....	131,478
Total (Not to exceed 392.25 F.T.E.) .....	\$3,778,551
<b>Section 9.170. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	
<b>For Mid-Missouri Mental Health Center</b>	
<b>For Hospital Support and Services</b>	
Personal Service .....	\$969,758
Expense and Equipment .....	1,024,603
From General Revenue Fund	
(Not to exceed 74.5 F.T.E.) .....	\$1,994,361
<b>Section 9.175. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	
<b>For Mid-Missouri Mental Health Center</b>	
<b>For Inpatient Services</b>	
Personal Service .....	\$1,831,115
Expense and Equipment .....	4,843
From General Revenue Fund .....	1,835,958
Personal Service	
From Federal Funds .....	142,795
Total (Not to exceed 175.8 F.T.E.) .....	\$1,978,753
<b>Section 9.180. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	
<b>For Mid-Missouri Mental Health Center</b>	
<b>For Community Services</b>	
Personal Service .....	\$643,412
Expense and Equipment .....	4,337
From General Revenue Fund .....	647,749
Personal Service	
From Federal Funds .....	99,329
Total (Not to exceed 50.25 F.T.E.) .....	\$747,078
<b>Section 9.185. To the Department of Mental Health—Division of Alcohol and Drug Abuse</b>	
<b>For Mid-Missouri Mental Health Center</b>	
<b>For Alcohol and Drug Abuse Treatment</b>	
Personal Service .....	\$423,913
Expense and Equipment .....	1,600
From General Revenue Fund	
(Not to exceed 43.54 F.T.E.) .....	\$425,513
<b>Section 9.190. To the Department of Mental Health—Division of Comprehensive Psychiatric Services</b>	

# APPROPRIATIONS

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For Western Missouri Mental Health Center	
For Hospital Support and Services	
Personal Service .....	\$1,612,819
Expense and Equipment .....	2,100,557
From General Revenue Fund .....	3,713,376
Expense and Equipment .....	
From Federal Funds .....	21,013
Total (Not to exceed 170.5 F.T.E.) .....	\$3,734,389

## Section 9.195. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

For Western Missouri Mental Health Center	
For Inpatient Services	
Personal Service .....	\$2,167,096
Expense and Equipment .....	51,807
From General Revenue Fund .....	2,218,903
Personal Service .....	
From Federal Funds .....	9,120
Total (Not to exceed 209.5 F.T.E.) .....	\$2,228,023

## Section 9.200. To the Department of Mental Health—Division of Comprehensive Psychiatric Services

For Western Missouri Mental Health Center	
For Community Services	
Personal Service .....	\$1,416,436
Expense and Equipment .....	2,396
From General Revenue Fund .....	1,418,832
Personal Service .....	
From Federal Funds .....	139,489
Total (Not to exceed 133.6 F.T.E.) .....	\$1,558,321

## Section 9.205. To the Department of Mental Health—Division of Alcohol and Drug Abuse

For Western Missouri Mental Health Center	
For Alcohol and Drug Abuse Treatment	
Personal Service .....	\$377,060
Expense and Equipment .....	1,742
From General Revenue Fund .....	378,802
Personal Service .....	
From Federal Funds .....	247,181
Total (Not to exceed 58.0 F.T.E.) .....	\$625,983

## Section 9.210. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities

For Higginsville State School—Hospital .

For Hospital Support and Services	
Personal Service .....	\$1,331,774
Expense and Equipment .....	530,522
From General Revenue Fund .....	1,862,296
Expense and Equipment .....	
From Federal Funds .....	4,500
Total (Not to exceed 151.96 F.T.E.) .....	\$1,866,796

Section 9.215. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities

For Higginsville State School—Hospital

For Inpatient Services

Personal Service .....	\$2,740,437
Expense and Equipment .....	27,450

From General Revenue Fund .....	2,767,887
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    Personal Service

From Federal Funds .....	164,732
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Total (Not to exceed 318.04 F.T.E.) .....	\$2,932,619
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Section 9.220. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities

For Marshall State School—Hospital and Regional Center

For Hospital Support and Services

Personal Service .....	\$2,715,505
Expense and Equipment .....	1,860,506

From General Revenue Fund .....	4,576,011
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    Personal Service

From Federal Funds .....	106,856
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Total (Not to exceed 290.08 F.T.E.) .....	\$4,682,867
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Section 9.225. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities

For Marshall State School—Hospital and Regional Center

For Inpatient Services

Personal Service .....	\$7,038,365
Expense and Equipment .....	17,037

From General Revenue Fund .....	7,055,402
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    Personal Service

From Federal Funds .....	48,755
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Total (Not to exceed 845.92 F.T.E.) .....	\$7,104,157
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Section 9.230. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities

For Marshall State School—Hospital and Regional Center

For the Regional Center—Outpatient

Personal Service .....	\$189,964
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# APPROPRIATIONS

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Expense and Equipment .....	1,096
From General Revenue Fund .....	191,060
Personal Service .....	
From Federal Funds .....	15,286
Total (Not to exceed 16.6 F.T.E.) .....	\$206,346

Section 9.235. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Nevada State School—Hospital	
For Hospital Support and Services	
Personal Service .....	\$3,408,810
Expense and Equipment .....	2,148,855
From General Revenue Fund	
(Not to exceed 380.5 F.T.E.) .....	\$5,557,665

Section 9.240. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Nevada State School—Hospital	
For Inpatient Services	
Personal Service .....	\$6,121,308
Expense and Equipment .....	111,496
From General Revenue Fund .....	6,232,804
Personal Service .....	
From Federal Funds .....	96,859
Total (Not to exceed 653.5 F.T.E.) .....	\$6,329,663

Section 9.241. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For St. Louis State School—Hospital	
For Hospital Support and Services	
Personal Service .....	\$2,498,450
Expense and Equipment .....	1,455,163
From General Revenue Fund	
(Not to exceed 252.05 F.T.E.) .....	\$3,953,613

Section 9.245. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For St. Louis State School—Hospital	
For Inpatient Services	
Personal Service .....	
From General Revenue Fund .....	\$6,040,582
Personal Service .....	
From Federal Funds .....	117,878
Total (Not to exceed 685.26 F.T.E.) .....	\$6,158,460

Section 9.250. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Albany Regional Center for the Developmentally Disabled	



For Hospital Support and Services	
Personal Service .....	\$246,654
Expense and Equipment .....	125,372
	<hr/>
From General Revenue Fund .....	372,026
Expense and Equipment	
From Federal Funds .....	12,930
	<hr/>
Total (Not to exceed 25.5 F.T.E.) .....	\$384,956

**Section 9.255. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities**

For Albany Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund .....	\$408,495
Personal Service	
From Federal Funds .....	8,405
	<hr/>
Total (Not to exceed 1.5 F.T.E.) .....	\$416,900

**Section 9.260. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities**

For Albany Regional Center for the Developmentally Disabled	
For Community Service	
Personal Services	
From General Revenue Fund .....	\$25,911
Personal Service	
From Federal Funds .....	71,963
	<hr/>
Total (Not to exceed 8.0 F.T.E.) .....	\$97,874

**Section 9.265. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities**

For Hannibal Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$259,518
Expense and Equipment .....	162,620
	<hr/>
From General Revenue Fund	
(Not to exceed 22.75 F.T.E.) .....	\$422,138

**Section 9.270. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities**

For Hannibal Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund .....	\$521,598
Personal Service	
From Federal Funds .....	8,066
	<hr/>
Total (Not to exceed 53.0 F.T.E.) .....	\$529,664

**Section 9.275. To the Department of Mental Health—Division of  
Mental Retardation—Developmental Disabilities**

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For Hannibal Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service	
From General Revenue Fund .....	\$21,687
Personal Service	
From Federal Funds .....	76,911
Total (Not to exceed 8.0 F.T.E.) .....	\$98,598

Section 9.280. To the Department of Mental Health—Division of	
Mental Retardation—Developmental Disabilities	
For Joplin Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$242,168
Expense and Equipment .....	159,247
From General Revenue Fund .....	401,415
Personal Service	
From Federal Funds .....	8,315
Total (Not to exceed 23.0 F.T.E.) .....	\$409,730

Section 9.285. To the Department of Mental Health—Division of	
Mental Retardation—Developmental Disabilities	
For Joplin Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund .....	\$493,905
Personal Service	
From Federal Funds .....	30,779
Total (Not to exceed 49.8 F.T.E.) .....	\$524,684

Section 9.290. To the Department of Mental Health—Division of	
Mental Retardation—Developmental Disabilities	
For Joplin Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service	
From General Revenue Fund .....	\$26,660
Personal Service	
From Federal Funds .....	112,137
Total (Not to exceed 12.0 F.T.E.) .....	\$138,797

Section 9.295. To the Department of Mental Health—Division of	
Mental Retardation—Developmental Disabilities	
For Kansas City Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$231,731
Expense and Equipment .....	170,373
From General Revenue Fund .....	402,104
Personal Service .....	7,317

Expense and Equipment .....	10,554
From Federal Funds .....	17,871
Total (Not to exceed 25.0 F.T.E.) .....	\$419,975
Section 9.300. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Kansas City Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund	
(Not to exceed 58.5 F.T.E.) .....	\$528,830
Section 9.305. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Kansas City Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service	
From General Revenue Fund .....	\$220,207
Personal Service	
From Federal Funds .....	71,838
Total (Not to exceed 22.0 F.T.E.) .....	\$292,045
Section 9.310. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Kirksville Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$214,256
Expense and Equipment .....	143,604
From General Revenue Fund .....	357,860
Personal Service	
From Federal Funds .....	20,292
Total (Not to exceed 22.0 F.T.E.) .....	\$378,152
Section 9.315. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Kirksville Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund .....	\$481,294
Personal Service	
From Federal Funds .....	10,803
Total (Not to exceed 52.0 F.T.E.) .....	\$492,097
Section 9.320. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Kirksville Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service	
From General Revenue Fund	
(Not to exceed 8.0 F.T.E.) .....	\$82,745

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Section 9.325. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Poplar Bluff Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$264,901
Expense and Equipment .....	124,660
From General Revenue Fund .....	389,561
From Federal Funds .....	30,602
Total (Not to exceed 26.0 F.T.E.) .....	\$420,163

Section 9.330. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Poplar Bluff Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service .....	\$428,697
Expense and Equipment .....	2,500
From General Revenue Fund .....	431,197
From Federal Funds .....	20,578
Total (Not to exceed 41.5 F.T.E.) .....	\$451,775

Section 9.335. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Poplar Bluff Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service .....	\$31,737
Expense and Equipment .....	4,687
From General Revenue Fund .....	36,424
From Federal Funds .....	87,010
From Federal Funds .....	548
From Federal Funds .....	87,558
Total (Not to exceed 8.0 F.T.E.) .....	\$123,982

Section 9.340. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Rolla Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$243,529
Expense and Equipment .....	154,580
From General Revenue Fund .....	
(Not to exceed 24.0 F.T.E.) .....	\$398,109

Section 9.345. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Rolla Regional Center for the Developmentally Disabled	

For Inpatient Services	
Personal Service .....	\$358,557
Expense and Equipment .....	810
From General Revenue Fund .....	359,367
Personal Service .....	
From Federal Funds .....	44,439
Total (Not to exceed 39.5 F.T.E.) .....	\$403,806
Section 9.350. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Rolla Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service .....	
From General Revenue Fund .....	
(Not to exceed 10.0 F.T.E.) .....	\$122,251
Section 9.355. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Sikeston Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$201,465
Expense and Equipment .....	143,478
From General Revenue Fund .....	344,943
Expense and Equipment .....	
From Federal Funds .....	56,314
Total (Not to exceed 19.0 F.T.E.) .....	\$401,257
Section 9.360. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Sikeston Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service .....	
From General Revenue Fund .....	\$454,478
Personal Service .....	
From Federal Funds .....	66,241
Total (Not to exceed 40.2 F.T.E.) .....	\$520,719
Section 9.365. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Sikeston Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service .....	
From General Revenue Fund .....	
(Not to exceed 7.0 F.T.E.) .....	\$59,218
Section 9.370. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Springfield Regional Center for the Developmentally Disabled	
For Hospital Support and Services	
Personal Service .....	\$228,699

# APPROPRIATIONS

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Expense and Equipment .....	128,289
From General Revenue Fund .....	356,988
Personal Service .....	29,405
Expense and Equipment .....	16,496
From Federal Funds .....	45,901
Total (Not to exceed 25.4 F.T.E.) .....	\$402,889
Section 9.375. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Springfield Regional Center for the Developmentally Disabled	
For Inpatient Services	
Personal Service	
From General Revenue Fund .....	\$386,145
Personal Service .....	
From Federal Funds .....	106,017
Total (Not to exceed 51.4 F.T.E.) .....	\$492,162
Section 9.380. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For Springfield Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service	
From General Revenue Fund	
(Not to exceed 7 F.T.E.) .....	\$93,610
Section 9.385. To the Department of Mental Health—Division of Mental Retardation—Developmental Disabilities	
For St. Louis Regional Center for the Developmentally Disabled	
For Community Services	
Personal Service .....	\$308,888
Expense and Equipment .....	1,198,181
From General Revenue Fund .....	1,507,069
Personal Service .....	376,367
Expense and Equipment .....	509,754
From Federal Funds .....	886,121
Total (Not to exceed 57.0 F.T.E.) .....	\$2,393,190
Section 9.386. To the Department of Mental Health	
For the Office of the Director	
For personal service, expense and equipment	
For continued compliance with the Title XIX I.C.F.-M.R. program	
at Higginsville State School and Hospital, Nevada State School	
and Hospital, St. Louis State School and Hospital, St. Louis	
Developmentally Disabled Treatment Center, and Marshall	
State School and Hospital	
From General Revenue	
(Not to exceed 90 F.T.E.) .....	\$774,820

**Section 9.390. To the Department of Social Services—****For Office of the Director—Administration**

Personal Service .....	\$612,516
Expense and Equipment .....	89,802

**From General Revenue Fund**

(Not to exceed 30 F.T.E.) .....	\$702,318
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**Section 9.395. To the Department of Social Services—****For Office of the Director—Division of Electronic Data Processing**

Personal Service .....	\$1,374,001
Expense and Equipment .....	1,094,282

**From General Revenue Fund .....** 2,468,283

Personal Service .....	1,068,105
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Expense and Equipment .....	1,323,235
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**From Federal Funds .....** 2,391,340

Expense and Equipment

**From Local Funds .....** 14,776**Total (Not to exceed 225 F.T.E.) .....** \$4,874,399**Section 9.400. To the Department of Social Services****For Office of the Director—Division of Audit**

Personal Service .....	\$187,384
Expense and Equipment .....	37,580

**From General Revenue Fund .....** 224,964

Personal Service .....	291,269
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Expense and Equipment .....	51,531
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**From Federal Funds .....** 342,800**Total (Not to exceed 35 F.T.E.) .....** \$567,764**Section 9.405. To the Department of Social Services****For Office of the Director—Division of Investigation**

Personal Service .....	\$349,731
Expense and Equipment .....	103,131

**From General Revenue Fund .....** 452,862

Personal Service .....	329,813
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Expense and Equipment .....	98,687
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**From Federal Funds .....** 428,500**Total (Not to exceed 46 F.T.E.) .....** \$881,362**Section 9.410. To the Department of Social Services—****For the Division of Special Services—Office of Manpower Planning****For the administration of the Comprehensive Employment and Training Act**

Personal Service .....	\$468,270
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Expense and Equipment .....	167,799
From Federal Funds .....	
(Not to exceed 30 F.T.E.) .....	\$636,069
Section 9.415. To the Department of Social Services—	
For the Division of Special Services—Office of Manpower Planning	
For the receipt of all grant funds available from federal sources,	
including those under the provision of the Comprehensive Em-	
ployment and Training Act .....	\$101,683,340
From Federal Funds .....	
Section 9.420. To the Department of Social Services—	
For the Division of Special Services—Office of Economic Oppor-	
tunity	
Personal Service	
From General Revenue Fund .....	\$41,898
Personal Service .....	151,170
Expense and Equipment .....	81,093
From Federal Funds .....	232,263
Total (Not to exceed 14.5 F.T.E.) .....	\$274,161
Section 9.425. To the Department of Social Services	
For the Division of Special Services—Office of Economic Oppor-	
tunity	
For the expenditure of funds from the federal government, or from	
any other source, including funds made available under pro-	
visions of the Community Services Act of 1974, as amended	
From Federal and Other Sources .....	\$16,600,000
Section 9.430. To the Department of Social Services—	
For the Division of Special Services—Office of Aging	
Personal Service .....	\$74,463
Expense and Equipment .....	32,450
From General Revenue Fund .....	106,913
Personal Service .....	241,750
Expense and Equipment .....	192,716
From Federal Funds .....	434,466
Total (Not to exceed 24.5 F.T.E.) .....	\$541,379
Section 9.435. To the Department of Social Services—	
For the Division of Special Services—Office of Aging	
For the expenditure of funds from the federal government, or from	
any other source, including funds made available under pro-	
vision of the Older Americans Act of 1965, as amended	
From Federal and Other Sources .....	\$21,790,813
Section 9.440. To the Department of Social Services—	
For the Division of Special Services—State Health Planning and	
Development Agency	
Personal Service .....	\$46,125



Expense and Equipment .....	16,219
From General Revenue Fund .....	62,344
Personal Service .....	170,359
Expense and Equipment .....	84,334
From Federal Funds .....	254,693
Total (Not to exceed 14.5 F.T.E.) .....	\$317,037
Section 9.445. To the Department of Social Services—	
For the Division of Special Services	
For the State Health Planning and Development Agency	
For the expenditure of funds from the federal government, or from	
any other source, including funds made available under pro-	
visions of the Health Planning and Resources Development	
Act of 1974	
From Federal and Other Sources .....	\$150,000
Section 9.450. To the Department of Social Services—	
For the Division of Health—Administration	
Personal Service .....	\$619,927
Expense and Equipment .....	294,263
From General Revenue Fund .....	914,190
Personal Service .....	22,156
Expense and Equipment .....	636,741
From Federal Funds .....	658,897
Total (Not to exceed 55.2 F.T.E.) .....	\$1,573,087
Section 9.455. To the Department of Social Services—	
For the Division of Health—Disease Control	
Personal Service .....	\$401,910
Expense and Equipment .....	89,874
From General Revenue Fund .....	491,784
Personal Service .....	316,591
Expense and Equipment .....	680,940
From Federal Funds .....	997,531
For the mumps immunization program	
Personal Service .....	39,084
Expense and Equipment .....	210,916
From Federal Funds .....	250,000
Total (Not to exceed 54.9 F.T.E.) .....	\$1,739,315
Section 9.460. To the Department of Social Services—	
For the Division of Health—Local Health Services	
Personal Service .....	\$1,656,796
Expense and Equipment .....	242,705
From General Revenue Fund .....	1,899,501
Personal Service .....	426,103

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Expense and Equipment .....	306,628
From Federal Funds .....	732,731
Total (Not exceed 142.9 F.T.E.) .....	\$2,632,232
<b>Section 9.465. To the Department of Social Services—</b>	
<b>For the Division of Health—Hospital and Technical Services</b>	
Personal Service .....	\$834,679
Expense and Equipment .....	218,915
From General Revenue Fund .....	1,053,594
Personal Service .....	588,581
Expense and Equipment .....	538,821
From Federal Funds .....	1,127,402
Total (Not to exceed 101.3 F.T.E.) .....	\$2,180,996
<b>Section 9.470. To the Department of Social Services—</b>	
<b>For the Division of Health—Laboratory Services</b>	
Personal Service .....	\$143,754
Expense and Equipment .....	52,500
From General Revenue Fund .....	196,254
Personal Service .....	788,327
Expense and Equipment .....	314,696
From Federal Funds .....	1,103,023
Total (Not to exceed 71 F.T.E.) .....	\$1,299,277
<b>Section 9.475. To the Department of Social Services—</b>	
<b>For the Division of Health—State Center for Health Statistics</b>	
Personal Service .....	\$603,301
Expense and Equipment .....	52,731
From General Revenue Fund .....	656,032
Personal Service .....	227,468
Expense and Equipment .....	303,861
From Federal Funds .....	531,329
Total (Not to exceed 81 F.T.E.) .....	\$1,187,361
<b>Section 9.480. To the Department of Social Services—</b>	
<b>For the Division of Health—Medical Care</b>	
Personal Service .....	\$1,191,160
Expense and Equipment .....	2,643,758
From General Revenue Fund .....	3,834,918
Personal Service .....	150,642
Expense and Equipment .....	4,131,107
From Federal Funds .....	4,281,749
Total (Not to exceed 109.25 F.T.E.) .....	\$8,116,667

**Section 9.485. To the Department of Social Services—****For the Division of Health—Hospital Subsidy**

**For implementing the provisions of Senate Substitute #2 for House Substitute for House Bill 1686, an Act of the 77th General Assembly, Second Regular Session, providing for payments to certain hospitals and health care programs. The director of the department of social services shall, prior to allocation of appropriations under this section, ascertain compliance with the provisions of chapter 189, RSMo, requiring that proposed programs be reasonable for patient care and no allocation shall be made for any program or part thereof found to be not reasonable, unnecessary or not within the state priorities of health care under the provisions of section 189.030, RSMo.**

**From General Revenue Fund ..... \$5,000,000**

**Section 9.490. To the Department of Social Services—****For the Division of Health**

**For financial assistance to local health agencies, including city, county and regional units**

**From General Revenue Fund ..... \$2,334,979**

**From Federal Funds ..... 1,233,140**

**Total ..... \$3,568,119**

**Section 9.495. To the Department of Social Services—****For the Division of Health****For Hypertension Screening**

**From Federal Funds ..... \$339,100**

**Section 9.500. To the Department of Social Services—****For the Division of Health****For special Health Services Project Grants**

**From General Revenue Fund ..... \$690,000**

**Section 9.505. To the Department of Social Services—****For the Division of Health****For the Water and Sewage Fund**

**From General Revenue Fund ..... \$150,000**

**Section 9.510. To the Department of Social Services—****For the Division of Health****For Hospital Survey and Construction**

**From Federal Funds ..... \$5,000,000**

**Section 9.515. To the Department of Social Services—****For the Division of Health****For Emergency Medical Services Program**

**From Federal Funds ..... \$2,594,088**

**Section 9.520. To the Department of Social Services—****For the Division of Health****For Immunization Program**

**From Federal Funds ..... \$270,000**

**Section 9.525. To the Department of Social Services—****For the Division of Health**

For payments to hospitals, physicians and providers of ambulance services under provisions of Chapter 189, RSMo, Cum. Supp. 1975, to prevent mental retardation .....	\$3,200,500
For Administration .....	350,000
From General Revenue Fund .....	\$3,550,500

I hereby veto said section to the extent of \$1,000,000 from \$4,550,500 to \$3,550,500 in total general revenue. Careful zero-base review of this program raised critical questions about its operation. The eligibility criteria currently applied are not linked sufficiently to clients' ability to pay nor do they adequately define the number of mothers and infants at risk. Still more important are questions about the program's effectiveness and cost-effectiveness. In spite of its title, the program emphasizes treatment rather than the necessary preventive approach.

My original recommendation to expand funding by 26.8% is appropriate in light of these questions. These funds will be used to treat infants afflicted with Respiratory Distress Symptoms, the treatment proven most effective. In addition, my budget includes \$106,000 for a new hypothyroidism program which will complement this program by helping to prevent mental retardation.

JOSEPH P. TEASDALE, Governor

<b>Section 9.530. To the Department of Social Services—</b>	
For the Division of Health	
For Supplemental Food for Women, Infants and Children	
From Federal Funds .....	\$11,250,000

<b>Section 9.535. To the Department of Social Services—</b>	
For the Division of Health	
For the Title XIX—Maternal and Child Health Program	
From Federal Funds .....	\$519,616

<b>Section 9.540. To the Department of Social Services—</b>	
For the Division of Health	
For Special Maternal and Child Health Projects	
From General Revenue Fund .....	\$250,000
From Federal Funds .....	3,022,837
Total .....	\$3,272,837

<b>Section 9.545. To the Department of Social Services—</b>	
For the Division of Health	
From the Crippled Children's Service Fund .....	\$52,500

<b>Section 9.550. To the Department of Social Services—</b>	
For the Division of Health	
For Early Periodic Screening, Diagnosis and Treatment	
From General Revenue Fund .....	\$92,000
From Federal Funds .....	108,000
Total .....	\$200,000

<b>Section 9.555. To the Department of Social Services—</b>	
For the Division of Health	
For Family Planning Services	
From Federal Funds .....	\$536,558

<b>Section 9.560. To the Department of Social Services—</b>	
For the Division of Health	
For special obstetrical care pursuant to the provisions of the federal Improve Pregnancy Outcome Program	
From Federal Funds .....	\$400,000

**Section 9.565. To the Department of Social Services—**

For the Division of Health—State Chest Hospital

For in-patient respiratory care

Personal Service

From General Revenue Fund ..... \$1,520,259

Personal Service ..... 4,807,600

Expense and Equipment ..... 2,460,043

From the Hospital Earnings Fund ..... 7,267,643

Total (Not to exceed 612.28 F.T.E.) ..... \$8,787,902

**Section 9.570. To the Department of Social Services—**

There is hereby transferred out of the State Treasury, chargeable to the Program Improvement Fund, Three Million, Twenty Thousand, Three Hundred and Thirty-Two Dollars (\$3,020,332) to the Chest Hospital Earnings Fund

From Program Improvement Fund ..... \$3,020,332

**Section 9.575. To the Department of Social Services—**

For the Division of Health

For payments to Kansas City and St. Louis in behalf of tuberculosis charity patients in accordance with Section 205.430, RSMo, Cum. Supp. 1975

From General Revenue Fund ..... \$732,944

**Section 9.580. To the Department of Social Services—**

For the Division of Health

For cancer detection and treatment at Ellis Fischel State Cancer Hospital

Personal Service ..... \$780,501

Expense and Equipment ..... 191,390

From General Revenue Fund ..... 971,891

Personal Service ..... 4,031,757

Expense and Equipment ..... 2,359,393

From Cancer Hospital Fund ..... 6,391,150

Total (Not to exceed 430.6 F.T.E.) ..... \$7,363,041

**Section 9.585. To the Department of Social Services—**

There is hereby transferred out of the State Treasury, chargeable to the Program Improvement Fund, Three Million, Twenty Thousand, Three Hundred and Thirty-Two Dollars (\$3,020,332) to the Cancer Hospital Fund

From Program Improvement Fund ..... \$3,020,332

**Section 9.590. To the Department of Social Services—**

For the Division of Health

For the Sickle Cell Anemia Program

From General Revenue Fund ..... \$200,000

**Section 9.595. To the Department of Social Services—**

For the Division of Health

For the Rheumatic Fever Program

From the Medical Services Fund ..... \$3,000

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## Section 9.600. To the Department of Social Services—

For the Division of Health

For the Hemophilia Program

From General Revenue Fund ..... \$200,000

## Section 9.605. To the Department of Social Services—

For the Division of Health

For the Cystic Fibrosis Program

From General Revenue Fund ..... \$200,000

## Section 9.610. To the Department of Social Services—

For the Division of Health

For Hypothyroidism screening, testing and diagnosis

From General Revenue Fund ..... \$106,000

## Section 9.611. To the Department of Social Services—

For the Division of Health—

For the Scoliosis screening program

From General Revenue Fund ..... \$200,000

## Section 9.612. To the Department of Social Services

For the Division of Health

For the Missouri State Task Force on Arthritis

From General Revenue Fund ..... \$15,700

## Section 9.615. To the Department of Social Services—

For the Division of Corrections

For Central Office—Administrative Services

Personal Service ..... \$931,842

Expense and Equipment ..... 650,231

From General Revenue Fund ..... 1,582,073

Personal Service ..... 247,600

Expense and Equipment ..... 439,923

From Federal Funds ..... 687,523

Personal Service ..... 293,310

Expense and Equipment ..... 54,988

From Working Capital Revolving Fund ..... 348,298

Total (Not to exceed 114.25 F.T.E.) ..... \$2,617,894

## Section 9.620. To the Department of Social Services—

For the Division of Corrections

For Penitentiary For Men—Administrative Services

Personal Service ..... \$161,740

Expense and Equipment ..... 34,475

From General Revenue Fund

(Not to exceed 15 F.T.E.) ..... \$196,215

## Section 9.625. To the Department of Social Services—

For the Division of Corrections

For Penitentiary For Men—Institutional Services

Personal Service .....	\$4,576,356
Expense and Equipment .....	665,755
From General Revenue Fund	
(Not to exceed 425.25 F.T.E.) .....	\$5,242,111
Section 9.630. To the Department of Social Services—	
For the Division of Corrections	
For Penitentiary For Men—Program Services	
Personal Service .....	\$810,091
Expense and Equipment .....	3,047,013
From General Revenue Fund .....	3,857,104
Personal Service .....	105,778
Expense and Equipment .....	52,877
From Federal Funds .....	158,655
Personal Service .....	610,906
Expense and Equipment .....	4,708,253
From Working Capital Revolving Fund .....	5,319,159
Total (Not to exceed 129.75 F.T.E.) .....	\$9,334,918

I hereby veto said section to the extent of \$51,492 from \$662,388 to \$610,906 in personal service; to the extent of \$2,426,733 from \$7,134,986 to \$4,708,253 in expense and equipment from \$7,797,374 to \$5,319,159 in total from the working capital revolving fund; and from \$11,813,133 to \$9,334,918 in total, for the expansion of correctional farm programs because these programs do not provide effective or appropriate training and rehabilitation for inmates.

JOSEPH P. TEASDALE, Governor

Section 9.635. To the Department of Social Services—	
For the Division of Corrections	
For Church Farm—Administrative Services	
Personal Service .....	\$68,418
Expense and Equipment .....	14,975
From General Revenue Fund	
(Not to exceed 6 F.T.E.) .....	\$83,393
Section 9.640. To the Department of Social Services—	
For the Division of Corrections	
For Church Farm—Institutional Services	
Personal Service .....	\$1,019,790
Expense and Equipment .....	93,783
From General Revenue Fund	
(Not to exceed 104 F.T.E.) .....	\$1,113,573
Section 9.645. To the Department of Social Services—	
For the Division of Corrections	
For Church Farm—Program Services	
Personal Service .....	\$211,152
Expense and Equipment .....	833,638
From General Revenue Fund .....	1,044,790

# APPROPRIATIONS

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Personal Service .....	40,247
Expense and Equipment .....	25,325
From Federal Funds .....	65,572
Personal Service .....	197,021
Expense and Equipment .....	595,511
From Working Capital Revolving Fund .....	792,532
Total (Not to exceed 39 F.T.E.) .....	\$1,902,894

I hereby veto said section to the extent of \$217,006 from \$812,517 to \$595,511 in expense and equipment, from \$1,009,538 to \$792,532 in total from the working capital revolving fund, and from \$2,119,900 to \$1,902,894 in total, for reasons stated above in reference to section 9.630.

JOSEPH P. TEASDALE, Governor

## Section 9.650. To the Department of Social Services—

For the Division of Corrections

For Renz Farm—Administrative Services

Personal Service .....	\$39,508
Expense and Equipment .....	17,755

From General Revenue Fund .....

(Not to exceed 3 F.T.E.) .....	\$57,263
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## Section 9.655. To the Department of Social Services—

For the Division of Corrections

For Renz Farm—Institutional Services

Personal Service .....	\$560,038
Expense and Equipment .....	99,234

From General Revenue Fund .....

(Not to exceed 56.25 F.T.E.) .....	\$659,272
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## Section 9.660. To the Department of Social Services—

For the Division of Corrections

For Renz Farm—Program Services

Personal Service .....	\$129,811
Expense and Equipment .....	417,946

From General Revenue Fund .....

Personal Service .....	547,757
Expense and Equipment .....	24,446
Expense and Equipment .....	14,675

From Federal Funds .....

Personal Service .....	39,121
Expense and Equipment .....	82,262
Expense and Equipment .....	426,236

From Working Capital Revolving Fund .....

Expense and Equipment .....	508,498
Total (Not to exceed 21.13 F.T.E.) .....	\$1,095,376

I hereby veto said section to the extent of \$217,477 from \$643,713 to \$426,236 in expense and equipment, from \$725,975 to \$508,498 in total from the working capital revolving fund, and from \$1,312,853 to \$1,095,376 in total, for the reasons stated above in reference to section 9.630.

JOSEPH P. TEASDALE, Governor



**Section 9.665. To the Department of Social Services—  
For the Division of Corrections.**

**For Fordland Honor Camp—Administrative Services**

Personal Service .....	\$44,259
Expense and Equipment .....	15,225

**From General Revenue Fund**

(Not to exceed 4 F.T.E.) .....	\$59,484
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**Section 9.670. To the Department of Social Services—  
For the Division of Corrections**

**For Fordland Honor Camp—Institutional Services**

Personal Service .....	\$275,578
Expense and Equipment .....	49,693

**From General Revenue Fund**

(Not to exceed 25.5 F.T.E.) .....	\$325,271
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**Section 9.675. To the Department of Social Services—  
For the Division of Corrections**

**For Fordland Honor Camp—Program Services**

Personal Service .....	\$71,849
Expense and Equipment .....	311,741

**From General Revenue Fund**

Personal Service .....	383,590
Expense and Equipment .....	47,457
	21,325

**From Federal Funds**

68,782

<b>Total (Not to exceed 9.5 F.T.E.) .....</b>	<b>\$452,372</b>
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**Section 9.680. To the Department of Social Services—  
For the Division of Corrections**

**For State Correctional Pre-Release**

**Center—Administrative Services**

Personal Service .....	\$38,688
Expense and Equipment .....	19,925

**From General Revenue Fund**

(Not to exceed 3 F.T.E.) .....	\$58,613
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**Section 9.685. To the Department of Social Services—  
For the Division of Corrections**

**For State Correctional Pre-Release**

**Center—Institutional Services**

Personal Service .....	\$456,580
Expense and Equipment .....	67,324

**From General Revenue Fund**

(Not to exceed 43.12 F.T.E.) .....	\$523,904
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**Section 9.690. To the Department of Social Services—  
For the Division of Corrections**

**For State Correctional Pre-Release**

# APPROPRIATIONS

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Center—Program Services	
Personal Service .....	\$55,146
Expense and Equipment .....	270,484
	<hr/>
From General Revenue Fund .....	325,630
Personal Service .....	27,015
Expense and Equipment .....	15,950
	<hr/>
From Federal Funds .....	42,965
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Total (Not to exceed 7 F.T.E.) .....	\$368,595
Section 9.695. To the Department of Social Services—	
For the Division of Corrections	
For Missouri Training Center for Men—Administrative Services	
Personal Service .....	\$121,293
Expense and Equipment .....	30,005
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From General Revenue Fund	
(Not to exceed 10 F.T.E.) .....	\$151,298
Section 9.700. To the Department of Social Services—	
For the Division of Corrections	
For Missouri Training Center for Men— Institutional Services	
Personal Services .....	\$1,932,257
Expense and Equipment .....	170,634
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From General Revenue Fund	
(Not to exceed 182.5 F.T.E.) .....	\$2,102,891
Section 9.705. To the Department of Social Services—	
For the Division of Corrections	
For Missouri Training Center for Men—	
Program Services	
Personal Service .....	\$513,048
Expense and Equipment .....	1,466,027
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From General Revenue Fund .....	1,979,075
Personal Service .....	94,871
Expense and Equipment .....	47,150
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From Federal Funds .....	142,021
Personal Service .....	289,437
Expense and Equipment .....	1,121,697
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From Working Capital Revolving Fund .....	1,411,134
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Total (Not to exceed 73.25 F.T.E.) .....	\$3,532,230
Section 9.710. To the Department of Social Services—	
For the Division of Corrections	
For Missouri Intermediate Reformatory—Administrative Services	
Personal Service .....	\$86,351
Expense and Equipment .....	19,160
	<hr/>
From General Revenue Fund	
(Not to exceed 7 F.T.E.) .....	\$105,511

**Section 9.715. To the Department of Social Services—****For the Division of Corrections****For Missouri Intermediate Reformatory—Institutional Services**

Personal Service .....	\$1,412,312
Expense and Equipment .....	70,966

**From General Revenue Fund**

(Not to exceed 130.75 F.T.E.) .....	\$1,483,278
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**Section 9.720. To the Department of Social Services—****For the Division of Corrections****For Missouri Intermediate Reformatory—Program Services**

Personal Service .....	\$422,888
Expense and Equipment .....	891,650

**From General Revenue Fund .....** 1,314,538

Personal Service .....	150,176
Expense and Equipment .....	78,400

**From Federal Funds .....** 228,576

Personal Service .....	33,035
Expense and Equipment .....	118,770

**From Working Capital Revolving Fund .....** 151,805**Total (Not to exceed 48.13 F.T.E.) .....** \$1,694,919

I hereby veto said section to the extent of \$9,607 from \$42,642 to \$33,035 in personal service; to the extent of \$46,200 from \$164,970 to \$118,770 in expense and equipment; from \$207,612 to \$151,805 in total from the working capital revolving fund; and, from \$1,750,726 to \$1,694,919 in total for the reasons stated above in reference to section 9.630.

JOSEPH P. TEASDALE, Governor

**Section 9.725. To the Department of Social Services—****For the Division of Corrections****For expenses involving the emergency housing, care and supervision of inmates**

Personal Service .....	\$885,314
Expense and Equipment .....	899,132

**From General Revenue Fund**

(Not to exceed 87 F.T.E.) .....	\$1,784,446
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**Section 9.730. To the Department of Social Services—****For the Division of Youth Services—Central Office/Program Management and Development Services**

Personal Service .....	\$354,842
Expense and Equipment .....	52,884

**From General Revenue Fund .....** 407,726

Personal Service .....	400,208
Expense and Equipment .....	198,982

**From Federal Funds .....** 599,190**Total (Not to exceed 57.06 F.T.E.) .....** \$1,006,916

# APPROPRIATIONS

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## Section 9.735. To the Department of Social Services—

### For the Division of Youth Services—Residential Services—Group Homes

Personal Service .....	\$813,423
Expense and Equipment .....	374,930

From General Revenue Fund .....	1,188,353
Personal Service .....	815,749
Expense and Equipment .....	371,988

From Federal Funds .....	1,187,737
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Total (Not to exceed 141.3 F.T.E.) .....	\$2,376,090
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## Section 9.740. To the Department of Social Services—

### For the Division of Youth Services—Residential Services—Park Camp

Personal Service .....	\$380,946
Expense and Equipment .....	132,021

From General Revenue Fund (Not to exceed 32 F.T.E.) .....	\$512,967
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## Section 9.745. To the Department of Social Services—

### For the Division of Youth Services—Residential Services—Training School for Boys

Personal Service .....	\$2,128,510
Expense and Equipment .....	589,816

From General Revenue Fund .....	2,718,326
Personal Service .....	141,227
Expense and Equipment .....	156,079

From Federal Funds .....	297,306
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Total (Not to exceed 181.7 F.T.E.) .....	\$3,015,632
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## Section 9.750. To the Department of Social Services—

### For the Division of Youth Services—Residential Services—W. E. Sears Youth Center

Personal Service .....	\$830,041
Expense and Equipment .....	266,718

From General Revenue Fund .....	1,096,759
Personal Service .....	109,205
Expense and Equipment .....	20,806

From Federal Funds .....	130,011
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Total (Not to exceed 76.3 F.T.E.) .....	\$1,226,770
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## Section 9.755. To the Department of Social Services—

### For the Division of Youth Services—Residential Services—Training School for Girls

Personal Service .....	\$1,351,544
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Expense and Equipment .....	330,501
From General Revenue Fund .....	1,682,045
Personal Service .....	137,889
Expense and Equipment .....	11,885
From Federal Funds .....	149,774
Total (Not to exceed 126.75 F.T.E.) .....	\$1,831,819
Section 9.760. To the Department of Social Services—	
For the Division of Youth Services—Residential Services—Hogan	
Street Regional Youth Center	
Personal Service .....	\$395,049
Expense and Equipment .....	186,282
From General Revenue Fund .....	581,331
Personal Service .....	33,621
Expense and Equipment .....	18,562
From Federal Funds .....	52,183
Total (Not to exceed 38 F.T.E.) .....	\$633,514
Section 9.765. To the Department of Social Services—	
For the Division of Youth Services—Non-Residential Services—	
Aftercare	
Personal Service .....	\$574,035
Expense and Equipment .....	158,825
From General Revenue Fund .....	732,860
Personal Service .....	612,471
Expense and Equipment .....	674,993
From Federal Funds .....	1,287,464
Total (Not to exceed 93.10 F.T.E.) .....	\$2,020,324
Section 9.770. To the Department of Social Services—	
For the Division of Youth Services— Non-Residential Services—	
Foster Specialized Contractual Care	
Expense and Equipment .....	
From General Revenue Fund .....	\$163,270
Expense and Equipment .....	
From Federal Funds .....	121,120
Total .....	\$284,390
Section 9.775. To the Department of Social Services—	
For the Division of Youth Services—Non-Residential Services—	
Classification	
Personal Service .....	\$96,846
Expense and Equipment .....	30,958
From Federal Funds	
(Not to exceed 7 F.T.E.) .....	\$127,804

**Section 9.776. To the Department of Social Services**

For the Division of Youth Services

For incentive payments to counties and for residential services

From General Revenue Fund ..... \$250,000

**Section 9.780. To the Department of Social Services—**For the Division of Probation and Parole—Probation and Parole  
Services

Personal Service ..... \$4,556,161

Expense and Equipment ..... 1,134,493

From General Revenue Fund ..... 5,690,654

Personal Service ..... 1,440,107

Expense and Equipment ..... 349,677

From Federal Funds ..... 1,789,784

Total (Not to exceed 500 F.T.E.) ..... \$7,480,438

**Section 9.785. To the Department of Social Services—**

For the Division of Probation and Parole

For distribution of funds to halfway houses

Operation

From General Revenue Fund ..... \$140,000

From Federal Funds ..... 419,013

Total ..... \$559,013

**Section 9.790. To the Department of Social Services—**

For the Division of Family Services

For Income Maintenance Administration

Personal Service ..... \$14,445,920

Expense and Equipment ..... 1,197,245

From General Revenue Fund ..... 15,643,165

Personal Service ..... 14,157,974

Expense and Equipment ..... 1,777,176

From Federal Funds ..... 15,935,150

Total (Not to exceed 2,907 F.T.E.) ..... \$31,578,315

I hereby veto said section to the extent of \$1,319,196 from \$15,765,116 to \$14,445,920 in general revenue for personal service; to the extent of \$37,605 from \$1,234,850 to \$1,197,245 in general revenue for expense and equipment; to the extent of \$1,264,033 from \$15,422,057 to \$14,157,974 in federal funds for personal service; to the extent of \$35,074 from \$1,812,250 to \$1,777,176 in federal funds for expense and equipment; to the extent of \$2,655,958 from \$34,234,273 to \$31,578,315 in total funds. It is essential to reduce the bureaucratic costs of welfare programs and to increase the proportion of spending which goes directly to the poor. This action will reduce staff to compensate for the sharp drop in welfare caseload which followed statutory changes at the beginning of FY 1978. Because the caseload continues to decline, the workload should actually be lower than in past years with these reductions. Further, substantial salary upgrading of caseworkers approved by the General Assembly should allow the state to recruit and attract more productive employees.

JOSEPH P. TEASDALE, Governor

**Section 9.795. To the Department of Social Services**

For the Division of Family Services—Social Services Administration

Personal Service .....	\$4,192,928
Expense and Equipment .....	360,368
From General Revenue Fund .....	4,553,296
Personal Service .....	17,771,374
Expense and Equipment .....	2,357,265
From Federal Funds .....	20,128,639
Personal Service .....	1,138,333
Expense and Equipment .....	205,517
From Local Funds .....	1,343,850
Total (Not to exceed 2,062.5 F.T.E.) .....	\$26,025,785
Section 9.800. To the Department of Social Services—	
For the Division of Family Services—Medical Services Administration	
Personal Service .....	\$752,165
Expense and Equipment .....	447,477
From General Revenue Fund .....	1,199,642
Personal Service .....	1,014,025
Expense and Equipment .....	3,152,092
From Federal Funds .....	4,166,117
Total (Not to exceed 155.2 F.T.E.) .....	\$5,365,759
Section 9.805. To the Department of Social Services—	
For the Division of Family Services—Administrative Services	
Personal Service .....	\$2,705,574
Expense and Equipment .....	2,280,527
From General Revenue Fund .....	4,986,101
Personal Service .....	3,938,762
Expense and Equipment .....	3,509,182
From Federal Funds .....	7,447,944
Total (Not to exceed 542.5 F.T.E.) .....	\$12,434,045
Section 9.810. To the Department of Social Services—	
For the Division of Family Services—Services for the Blind—Administration	
Personal Service .....	\$736,391
Expense and Equipment .....	205,733
From Federal Funds .....	942,124
Personal Service .....	395,299
Expense and Equipment .....	92,639
From Blind Pension Fund .....	487,938
Total (Not to exceed 89.7 F.T.E.) .....	\$1,430,062

Provided that payments to the needy and deserving blind must be made before any expenditures for administration are charged to the Blind Pension Fund.

**Section 9.815. To the Department of Social Services—**

For the Division of Family Services—Board of Nursing Home Administrators

Personal Service .....	\$22,986
Expense and Equipment .....	21,825

From General Revenue Fund

(Not to exceed 2 F.T.E.) .....	\$44,811
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**Section 9.825. To the Department of Social Services—**

For the Division of Family Services—

For Administration of the Child Support Enforcement Program

Personal Service .....	\$435,578
Expense and Equipment .....	174,167

From General Revenue Fund .....	609,745
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Personal Service .....	1,306,735
Expense and Equipment .....	881,102

From Federal Funds .....	2,187,837
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Total (Not to exceed 221.5 F.T.E.) .....	\$2,797,582
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I hereby veto a portion of the section to the extent of \$168,839 from \$604,417 to \$435,578 in general revenue for personal service; to the extent of \$40,555 from \$214,722 to \$174,167 in general revenue for expense and equipment; to the extent of \$506,516 from \$1,813,251 to \$1,306,735 in federal funds for personal service; to the extent of \$121,663 from \$1,002,765 to \$881,102 in federal funds for expense and equipment; and to the extent of \$837,573 from \$3,635,155 to \$2,797,582 in total. This will provide an 18% increase in staff for a program with an uncertain future workload. Because workloads are expected to taper off, temporary personnel already available to the Department can be used to supplement the additional staff recommended. The Department of Social Services gave this item too low a priority ranking to justify a larger staff expansion.

JOSEPH P. TEASDALE, Governor

**Section 9.830. To the Department of Social Services—**

For the Division of Family Services—

For reimbursement to counties and the city of St. Louis providing child support enforcement services under cooperative agreements with the Department of Social Services and in compliance with the provisions of Title IV-D of the Social Security Act

From Federal Funds .....	\$5,000,000
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**Section 9.835. To the Department of Social Services—**

For the Division of Family Services

For payment to the Federal government of its share of retained child support collections; incentive payments to local governments and other states, refunds of child support payments and distributions to families as required by Title IV-D of the Social Security Act

From General Revenue Fund .....	\$8,000,000
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**Section 9.840. To the Department of Social Services—**

For the Division of Family Services—



For the payment of aid to families with dependent children benefits  
at a level of seventy percent of need as determined by standards  
of the Division of Family Services as of June 1, 1977

From General Revenue Fund .....\$58,919,801  
From Federal Funds .....100,503,476

Included in this amount are all funds allocated to the State of  
Missouri for fiscal relief for welfare costs authorized under  
Public Law 95-216 an act of Congress

Total .....\$159,423,277

**Section 9.845. To the Department of Social Services—**

For the Division of Family Services—

For supplementation payments to aged, blind or disabled persons

From General Revenue Fund .....\$11,133,738  
From Blind Pension Fund .....3,168,720

Total .....\$14,302,458

Provided that payments to the needy and deserving blind must be  
made before any expenditures for administration are charged to  
the Blind Pension Fund.

**Section 9.850. To the Department of Social Services—**

For the Division of Family Services—

For aid or relief in case of public calamity, direct relief to unem-  
ployable persons, and payment or relief orders

From General Revenue Fund .....\$3,978,000

**Section 9.855. To the Department of Social Services—**

For the Division of Family Services—

For payment of blind pensions

From Blind Pension Fund .....\$462,000

Provided that payments to the needy and deserving blind must be  
made before any expenditures for administration are charged to  
the Blind Pension Fund.

**Section 9.860. To the Department of Social Services—**

For the Division of Family Services—

For services for the visually impaired

From General Revenue .....\$468,000  
From Federal Funds .....1,453,000

Total .....\$1,921,000

**Section 9.865. To the Department of Social Services—**

For the Division of Family Services—

To reimburse counties and the City of St. Louis for the state's share  
of the cost of family foster home care to homeless, dependent,  
or neglected children, to subsidize adoptions as provided by law,  
and for services to unmarried mothers

From General Revenue Fund .....\$4,543,195  
From Federal Funds .....1,274,519

Total .....\$5,817,714

# APPROPRIATIONS

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## Section 9.870. To the Department of Social Services—

### For the Division of Family Services—

For state wide work incentive program for parents of dependent children

From General Revenue Fund ..... \$400,000

## Section 9.875. To the Department of Social Services—

### For the Division of Family Services—

For the purchase of services to aid in the prevention or treatment of child abuse and neglect

From General Revenue Fund ..... \$327,660

From Federal Funds ..... 982,980

Total ..... \$1,310,640

## Section 9.880. To the Department of Social Services—

### For the Division of Family Services—

For the purchase of homemaker and chore services

From General Revenue Fund ..... \$800,000

From Federal Funds ..... 2,400,000

Total ..... \$3,200,000

Homemaker and chore services are to be paid equally with the minimum payment being \$5.40 per unit.

## Section 9.885. To the Department of Social Services—

### For the Division of Family Services—

For nursing care payments to aged, blind or disabled persons

From General Revenue Fund ..... \$19,380,000

## Section 9.890. To the Department of Social Services—

### For the Division of Family Services—

For purchase of Services—Expenditures to organizations—

From Federal Funds ..... \$25,411,519

From Donated Funds ..... 8,470,507

Total ..... \$33,882,026

## Section 9.895. To the Department of Social Services—

### For the Division of Family Services—

For training the staff of social service agencies which contract to provide services under Title XX of the Division of Family Services

From Federal Funds ..... \$1,600,000

From Local Funds ..... 533,333

Total ..... \$2,133,333

## Section 9.900. To the Department of Social Services—

### For the Division of Family Services—

For the purchase of day care for children of ADC recipients who are employed or in work training and for children in families whose ADC grants ended in fiscal year 1978 because of implementation of the percentage of need method

From General Revenue Fund .....	\$1,451,087
From Federal Funds .....	6,013,443
<b>Total .....</b>	<b>\$7,464,530</b>

**Section 9.905. To the Department of Social Services—****For the Division of Family Services—**

For residential treatment of homeless, dependent and neglected children

From General Revenue Fund .....	\$1,378,775
From Federal Funds .....	4,136,323
<b>Total .....</b>	<b>\$5,515,098</b>

**Section 9.915. To the Department of Social Services—****For the Division of Family Services—**

For reimbursement of \$2.25 per transaction to pharmacists for dispensing medical prescriptions and for prescription drugs under Title XIX of the Social Security Act

From General Revenue Fund .....	\$8,699,264
From Federal Funds .....	12,580,736
<b>Total .....</b>	<b>\$21,280,000</b>

I hereby veto said section to the extent of \$214,620 from \$8,913,834 to \$8,699,264 in general revenue; to the extent of \$310,380 from \$12,891,116 to \$12,580,736 in federal funds; to the extent of \$525,000 from \$21,805,000 to \$21,280,000 in total. I further veto the amount \$2.40 to the extent of \$.15 from \$2.40 to \$2.25 per transaction in order to avoid changing the purpose of the appropriation. The dispensing fee was raised by 29% in fiscal year 1978 and no further increase is warranted in fiscal year 1979.

JOSEPH P. TEASDALE, Governor

**Section 9.920. To the Department of Social Services—****For the Division of Family Services—**

For reimbursement to physicians for services provided under Title XIX of the Social Security Act

From General Revenue Fund .....	\$8,714,098
From Federal Funds .....	11,906,105
<b>Total .....</b>	<b>\$20,620,203</b>

**Section 9.925. To the Department of Social Services—****For the Division of Family Services—**

For dental services provided under Title XIX of the Social Security Act

From General Revenue Fund .....	\$2,388,755
From Federal Funds .....	3,562,305
<b>Total .....</b>	<b>\$5,951,060</b>

**Section 9.930. To the Department of Social Services—****For the Division of Family Services—**

For medical services as required by RSMo, Section 208.152 (13) under Title XIX of the Social Security Act

From General Revenue Fund .....	\$3,141,718
From Federal Funds .....	4,408,674
<b>Total .....</b>	<b>\$7,550,392</b>

# APPROPRIATIONS

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## Section 9.935. To the Department of Social Services—

### For the Division of Family Services—

For care in skilled nursing facilities, intermediate care and for retroactive payments to skilled nursing facilities and intermediate care facilities under Title XIX of the Social Security Act

From General Revenue Fund .....	\$37,970,401
From Federal Funds .....	58,232,795
Total .....	<u>\$96,203,196</u>

## Section 9.940. To the Department of Social Services—

### For the Division of Family Services—

For inpatient hospital care under Title XIX of the Social Security Act

From General Revenue Fund .....	\$31,399,130
From Federal Funds .....	39,687,876
Total .....	<u>\$71,087,006</u>

## Section 9.945. To the Department of Social Services—

### For the Division of Family Services—

For outpatient hospital care under Title XIX of the Social Security Act

From General Revenue Fund .....	\$2,022,338
From Federal Funds .....	2,905,387
Total .....	<u>\$4,927,725</u>

## Section 9.946. To the Department of Social Services—

### For the Division of Family Services—

To reimburse the Social Security Administration for Part B Medicare premiums; for children's services, for medical costs incurred by additional recipients of ADC; for family planning, ambulance, laboratory, X-ray, home health, early and periodic screening, detection and treatment, and optometric services under Title XIX of the Social Security Act as provided under law

From General Revenue Fund .....	\$4,368,377
From Federal Funds .....	8,032,901
Total .....	<u>\$12,401,278</u>

## Section 9.947. To the Department of Social Services—

### For the Division of Family Services—

For services to children in foster care under Title IV-B of the Social Security Act

From Federal Funds .....	\$2,732,977
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## Section 9.950. To the Department of Social Services—

### For the Division of Family Services—

For payments to state mental hospitals and intermediate care facilities for the mentally retarded

From Federal Funds .....	\$22,418,804
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**Section 9.951. To the Department of Social Services—**

For the purpose of developing and approving bid specifications, for selecting a contractor, and for implementing the design, development and operation of an MMIS system to meet HEW certification requirements and the additional needs of the state; under the supervision of a committee composed of three members of the House Appropriations Committee appointed by the Chairman, three members of the Senate Appropriations Committee appointed by the Chairman, two representatives from the Office of Administration, two representatives from the Department of Social Services, one representative from the Attorney General's office, and one representative from the State Auditor's office; the Commissioner of Administration is to act as Chairman.

Personal Service .....	\$23,748
Expense and Equipment .....	1,013,752
From General Revenue Fund .....	1,037,500
Personal Service .....	71,245
Expense and Equipment .....	3,041,255
From Federal Funds .....	3,112,500
Total (Not to exceed 5 F.T.E.) .....	\$4,150,000

**Section 9.955. To the Department of Social Services—****For the Division of Veterans Affairs—Administration**

Personal Service .....	\$79,379
Expense and Equipment .....	8,089
From General Revenue Fund (Not to exceed 7 F.T.E.) .....	\$87,468

**Section 9.960. To the Department of Social Services—****For the Division of Veterans Affairs—Service to Veterans**

Personal Service .....	\$643,886
Expense and Equipment .....	106,010
From General Revenue Fund (Not to exceed 64 F.T.E.) .....	\$749,896

**Section 9.965. To the Department of Social Services—****For the Division of Veterans Affairs—****For Federal Soldiers' Home of Missouri—Administrative**

Personal Service .....	
From General Revenue (Not to exceed 6 F.T.E.) .....	\$79,239
Expense and Equipment .....	
From State Federal Soldiers' Home Fund .....	14,036
Total .....	\$93,275

**Section 9.970. To the Department of Social Services—****For the Division of Veterans Affairs**

For Federal Soldiers' Home of Missouri—Medical and Support Services	
Personal Service .....	\$349,791
Expense and Equipment .....	7,034
From General Revenue Fund .....	356,825
Personal Service .....	722,394
Expense and Equipment .....	474,145
From State Federal Soldiers' Home Fund .....	1,196,539
Total (Not to exceed 128.9 F.T.E.) .....	\$1,553,364

\*Unnumbered section at end of this bill is vetoed (See C. C. S. H. B. 1002, p. 13).

Approved May 3, 1978.

[C. C. S. H. B. 1010]

**APPROPRIATIONS: General Assembly, Commission on Interstate Cooperation, Committee on Legislative Research, State Fiscal Affairs, Administrative Rules and Interim Committees.**

AN ACT to appropriate money for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for the salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on State Fiscal Affairs, and for the Committee on Administrative Rules; and for the expenses of the interim committees established by the General Assembly, for the period beginning July 1, 1978 and ending June 30, 1979.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund for the agency for the purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

<b>Section 10.010. To the Senate</b>	
Salaries of Members .....	\$400,550
Mileage of Members .....	37,200
Senate Per Diem .....	119,000
Senate Contingent Expenses .....	2,612,212
Senate Contingent Expenses, Appropriations Committee .....	143,214
Joint Contingent Expenses .....	82,339
Joint Committee on Administrative Rules .....	54,387
From General Revenue Fund .....	\$3,448,902
<b>Section 10.020. To the House of Representatives</b>	
Salaries of Members .....	\$1,910,600
Mileage of Members .....	170,652
House Per Diem .....	513,450
House Contingent Expenses .....	3,205,733
House Contingent Expenses, Appropriations Committee .....	183,393
From General Revenue Fund .....	\$5,983,828

**Section 10.030.** To the Missouri Commission on Interstate Cooperation

For the payment of dues to the Council of State Governments and to the National Conference of State Legislatures and for the salaries of the secretary and clerks, purchasing supplies, travel within and without the state, insurance and premiums on bonds, joint conference costs, and other general expenses

From General Revenue Fund ..... \$103,830

**Section 10.040.** To the Committee on Legislative Research

For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses

From General Revenue Fund ..... \$456,020

**Section 10.050.** To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Revised Statutes of the State of Missouri

From General Revenue Fund ..... \$800,000

**Section 10.060.** To the Committee on State Fiscal Affairs

For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses

From General Revenue Fund ..... \$250,589

**Section 10.070.** To the Interim Committees of the General Assembly

For the following:

Committee on Correctional Institutions and Problems ..... \$22,500

Commission on Atomic Energy ..... 7,500

Commission on Local Governments ..... 7,500

From General Revenue Fund ..... \$37,500

**Section 10.080.** To the Senate

For funds to pay expenses of an interim committee established by Senate Concurrent Resolution 15 that provides for study of the state employee merit system

From General Revenue Fund ..... \$25,000

Approved May 3, 1978.

[C. C. S. H. B. 1011]

**APPROPRIATIONS: Capital improvements.**

**AN ACT** to appropriate money for capital improvements for repairs, continuing or preventive maintenance, and initial installation or replacement of building components, equipment, or mechanical systems.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency for the purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

**Section 11.005.** To the Department of Elementary and Secondary Education

For the Missouri School for the Deaf for general repairs to roofs, windows, sewers, painting, tuckpointing, waterproofing walls, technical services and other physical plant improvements to the campus

From Revenue Sharing Trust Fund ..... \$199,028

**Section 11.010. To the Department of Elementary and Secondary Education**

For the Missouri School for the Blind for general repairs to roofs, tuckpointing, replacing of wood doors, frames and windows, purchase and installation of lights for yard areas and other physical plant improvements at the School

From Revenue Sharing Trust Fund ..... \$47,250

**Section 11.015. To the Department of Education**

For State Schools for the Severely Handicapped for general repairs to plumbing, heating, air conditioning, electrical systems, replacing and repairing roofs, asphaltting playgrounds and parking facilities, painting and renovating walls, ceilings and floors, steam cleaning and carpet replacement, and other physical plant improvements

From Revenue Sharing Trust Fund ..... \$120,000

**Section 11.020. To Central Missouri State University**

For general repairs and energy conservation including repairs to roofs, wall stabilization repair and replacements at the power plant, repair of the perimeter steam line in the library, automation of environmental controls, and other general repairs

From Revenue Sharing Trust Fund ..... \$466,725

**Section 11.025. To Southeast Missouri State University**

For general repairs, energy conservation and minor alterations including repairs to floors and ceilings, installation of office partitions, roof repairs, exterior resurfacing and painting waterproofing walls, lighting and window replacement, replacement of overloaded electrical systems, power plant improvements, drop ceilings and lighting, planning study for the power plant, environmental controls, extension of campus underground electrical distribution system, and other necessary repairs and minor alterations

From Revenue Sharing Trust Fund ..... \$861,071

**Section 11.030. To Southwest Missouri State University**

For general repairs and energy conservation including tunnel repair, lighting, electric motor repair, compressor and air conditioner, roof repairs, waterproofing and caulking, concrete work, insulation, an energy monitoring system, storm entries, physical plant improvements at West Plains and other necessary repairs

From Revenue Sharing Trust Fund ..... \$373,100

**Section 11.035. To Lincoln University**

For general repairs to roofs, drainage, pavement, ceilings, walls, security lighting, rekeying, and other necessary repairs and alterations

\$305,182



For energy conservation and erosion control including window replacement, hot water system replacement, piping insulation, temperature controls, steam pipe replacement .....	204,905
From Revenue Sharing Trust Fund .....	\$510,087
<b>Section 11.040. To Northeast Missouri State University</b>	
For general repairs and energy control including repairs to roofs, waterproofing, exterior painting, new water mains, laboratory renovation, utility monitoring, boiler room controls and other general repairs	
From Revenue Sharing Trust Fund .....	\$230,000
<b>Section 11.045. To Northwest Missouri State University</b>	
For general repairs and energy conservation including repairs to water and gas lines and pump, replacement of overloaded circuits, roof repairs, deferred maintenance, remodel science laboratory and other general repairs. Funds are also included for steam and electrical monitoring, heating Horace Mann, heating Garrett-Strong, coal conversion study, technical services, window replacement and window covering	
From Revenue Sharing Trust Fund .....	\$416,402
<b>Section 11.050. To Missouri Southern State College</b>	
For general repairs and energy conservation including roof repairs and waterproofing, patching and seal overlay to campus streets, erosion control and flood prevention, campuswide utility monitoring system and general repairs	
From Revenue Sharing Trust Fund .....	\$360,000
<b>Section 11.055. To Missouri Western State College</b>	
For general repairs and energy conservation including funds for maintenance and modification of heating and air conditioning systems and general repairs to the campus	
From Revenue Sharing Trust Fund .....	\$220,000
<b>Section 11.060. To the University of Missouri for all campuses</b>	
For energy conservation, minor alterations and general repairs including fire and safety programs, structural and roof repairs, equipment repair and replacement, control work and insulation and other necessary campus repairs	
For Columbia Campus .....	\$1,189,851
For Kansas City Campus .....	267,716
For Rolla Campus .....	386,702
For St. Louis Campus .....	148,731
From Revenue Sharing Trust Fund .....	\$1,993,000
<b>Section 11.061. To the University of Missouri</b>	
For general repairs to the Agriculture Experiment Station	
From Revenue Sharing Trust Fund .....	\$300,000
<b>Section 11.065. To the University of Missouri</b>	
For the University Medical Center	
For general repairs and energy conservation including electrical	

# APPROPRIATIONS

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service repairs, switch gear, lighting, safety programs, ventilators and other general repairs and alterations  
 From Revenue Sharing Trust Fund ..... \$342,000

## Section 11.070. To the Office of Administration

For an emergency contingency reserve to fund repairs and replacements that have not been programmed into specific requests .. \$50,000  
 For general repairs to the capitol complex, including plastering, painting, electrical, steam lines, water lines, sewer lines, roofing, flashing, sidewalks, streets, and minor renovations ..... 355,000  
 For office relocations and office renovation of state agencies in Jefferson City ..... 355,000  
 For utility maintenance and replacement of existing systems in the Capitol Complex ..... 200,000  
 For an environmental control and lighting system for the House Lounge ..... 42,500  
 For restoration of the murals in the House Lounge ..... 20,000  
 For installation and replacement of energy conservation building components throughout the Capitol Complex ..... 100,000  
 For Phase II of making exterior repairs to the Jefferson Building including window and aluminum skin renovation ..... 110,000  
 For Phase II of fountain and pool renovations at the Capitol Complex ..... 130,000  
 For the Governor's Mansion for repairs to the Great Hall, Nook and Main Stairs ..... 120,000  
 For general repairs to the Governor's Mansion including interior remodeling and repairs, equipment, furnishings and exterior replacements and repairs ..... 85,000  
 For utility maintenance and replacement of existing systems in the Supreme Court Building ..... 250,000

From Revenue Sharing Trust Fund ..... \$1,817,500

## Section 11.075. To the Department of Agriculture

For the Missouri State Fair

Includes funds for improvements and repairs to the electrical system. Funds are also to be used for roof repair, tuckpointing, waterproofing, caulking, and the installation of water lines and other necessary repairs

From Revenue Sharing Trust Fund ..... \$232,906

## Section 11.080. To the Department of Natural Resources

For the Division of Parks and Recreation

For Revenue Bond Retirement

From State Park Earnings Fund ..... \$250,000

For landscaping of campgrounds, picnic, and other high use areas .. 46,200

For general repairs and maintenance at various state parks ..... 462,000

For road and parking repairs throughout the park system ..... 231,000

From Revenue Sharing Trust Fund ..... 739,200

Total ..... \$989,200

## Section 11.085. To the Department of Natural Resources

For the Division of Geology and Land Survey

Includes maintenance and repair of utility systems, equipment and furnishings, replacement of central air conditioner, improvement of safety programs and other necessary repairs	
From Revenue Sharing Trust Fund .....	\$66,450
 Section 11.090. To the Department of Labor and Industrial Relations	
For physical plant improvements in the Department's statewide facilities including roof repairs, plumbing repairs, electrical repairs, repairs to the heating, ventilation, and air conditioning systems, tuckpointing, painting, and other necessary repairs	
From Unemployment Compensation Administration Fund .....	\$120,000
 Section 11.095. To the Department of Highways	
For physical plant improvements including replacements, maintenance repair, safety, land improvement and furnishings and equipment	
From State Highway Department Fund .....	\$140,600
 Section 11.100. To the Department of Public Safety	
For the Highway Patrol	
For general physical plant repairs and improvements at Rolla Troop I headquarters to repair and seal the parking lot drive, repair and remodel the outdoor firearms range and roof replacement ..	
	\$37,611
For general physical plant repairs and improvements at Macon Troop B headquarters, including a new roof, floor, and other structural repairs to a building which has settled .....	
	36,435
For carpet replacement at the Training Academy in Jefferson City .....	
	16,000
From State Highway Department Fund .....	\$90,046
 Section 11.105. To the Department of Public Safety	
For the Adjutant General	
To offset any costs incurred by emergency and unforeseen conditions throughout all Missouri Army National Guard Facilities..	
	\$50,000
To fund various physical plant interior and exterior repairs at facilities at Anderson, Aurora, Columbia, Festus, Sikeston and Springfield .....	
	100,000
To fund various physical plant interior and exterior repairs at facilities at Doniphan, Lamar, Sedalia, St. Joseph, (ANG) and Jefferson Barracks (General Area) .....	
	100,000
To fund various physical plant interior and exterior repairs at facilities at Maryville, Monett, Poplar Bluff, St. Louis Lambert (AMG) and Jefferson Barracks (ANG, BLO6 # 25/25A and BLO6 # 36) .....	
	100,000
To fund various physical plant interior and exterior repairs at facilities at Bernie, Jefferson City, Kansas City (Ozark) and Kennett .....	
	100,000
To fund various physical plant interior and exterior repairs at Nevada and Fulton .....	
	50,000

# APPROPRIATIONS

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To provide funds for interior and exterior repairs at Albany Armory .....	65,000
From Revenue Sharing Trust Fund .....	\$565,000
<b>Section 11.110. To the Department of Mental Health</b>	
<b>For Farmington State Hospital</b>	
For physical plant improvements at the hospital including repair and replacement of utility systems and utility systems studies, roofing, walkways, parking area, dietary facilities, tuckpointing, guttering, lighting, demolition, water supply system and other necessary repairs and replacements	
From Revenue Sharing Trust Fund .....	\$407,925
<b>Section 11.115. To the Department of Mental Health</b>	
<b>For Fulton State Hospital</b>	
For safety systems and repairs, improvements of fire mains, fire doors, emergency lighting, utility systems, roof repair and other necessary repairs	
From Revenue Sharing Trust Fund .....	\$373,300
<b>Section 11.120. To the Department of Mental Health</b>	
<b>For St. Joseph State Hospital</b>	
For physical plant improvements including funds for roof insulation and repair in several buildings, electrical, plumbing and mechanical utility modifications, hot water system modifications, radiator work and general repairs	
From Revenue Sharing Trust Fund .....	\$445,119
<b>Section 11.125. To the Department of Mental Health</b>	
<b>For Malcolm Bliss Mental Health Center</b>	
For necessary physical plant improvements at the hospital including funds for safety programs and utility systems, replacements and land improvements	
From Revenue Sharing Trust Fund .....	\$63,607
<b>Section 11.130. To the Department of Mental Health</b>	
<b>For St. Louis State Hospital</b>	
For physical plant improvements including funds for installation of electrical controls, inspection and repair of smoke stack, update of equipment at the power plant, utility system work and necessary general repairs .....	\$250,778
For additional air conditioning and air handling equipment in the Kohler Building .....	117,187
For replacement of coal handling equipment to allow use of the most economical fuel .....	70,313
From Revenue Sharing Trust Fund .....	\$438,278
<b>Section 11.135. To the Department of Mental Health</b>	
<b>For Mid-Missouri Mental Health Center</b>	
For physical plant improvements including funds for various safety programs and other necessary repairs	
From Revenue Sharing Trust Fund .....	\$53,025

**Section 11.140. To the Department of Mental Health****For the Western Missouri Mental Health Center**

For physical plant improvements including funds for various safety programs in the Center and South buildings, for roof repairs and efficiency and cost saving projects

From Revenue Sharing Trust Fund ..... \$143,955

**Section 11.145. To the Department of Mental Health****For the Higginsville State School and Hospital**

For physical plant improvements including funds for various safety programs, general maintenance and repair including fire and smoke walls, enunciator relocation, electrical and renovation work

From Revenue Sharing Trust Fund ..... \$79,544

**Section 11.150. To the Department of Mental Health****For Marshall State School-Hospital**

For physical plant improvements including improved handicapped access, grounds and dietary survey, additional insulation, fencing, physical plant upgrading, replacement of commercial washers, electrical system continuation and various minor repairs

From Revenue Sharing Trust Fund ..... \$799,582

**Section 11.155. To the Department of Mental Health****For Nevada School and Hospital**

For physical plant improvements including funds for roof repairs, tuckpointing and an addition of restroom facilities

From Revenue Sharing Trust Fund ..... \$221,550

**Section 11.160. To the Department of Mental Health****For the Albany Regional Center**

For physical plant improvements including funds for the replacement of hallway ceilings, improvements of visitor parking and bus turnaround, security lights, soffit replacement and minor repairs

From Revenue Sharing Trust Fund ..... \$25,620

**Section 11.165. To the Department of Mental Health****For the Rolla Regional Center**

For Physical plant improvements including funds for construction of a breezeway, suspended ceiling, lighting and insulation and necessary minor repairs

From Revenue Sharing Trust Fund ..... \$23,415

**Section 11.170. To the Department of Mental Health****For the Joplin Regional Center**

For physical plant improvements including funds for asphalt resurfacing, improving the parking lot, and other minor necessary repairs

From Revenue Sharing Trust Fund ..... \$22,050

**Section 11.175. To the Department of Mental Health****For the Sikeston Regional Center**

For physical plant improvements including funds for various safety programs and maintenance and repair

From Revenue Sharing Trust Fund ..... \$8,925

<b>Section 11.180. To the Department of Mental Health</b>	
For the Springfield Regional Center	
For physical plant improvements including funds for the renovation of bathrooms, hallways, boys' and girls' dormitories, replace heating and cooling units, replace a dishwasher and add a dry storage and fund other minor repairs	
From Revenue Sharing Trust Fund .....	\$62,964
<b>Section 11.185. To the Department of Mental Health</b>	
For the St. Louis State School and Hospital	
For physical plant improvements including funds to reseal streets, make a boundary survey and tuckpoint five buildings .....	
To boiler repairs at the power plant .....	\$82,110
	157,500
From Revenue Sharing Trust Fund .....	\$239,610
<b>Section 11.190. To the Department of Mental Health</b>	
For the Hannibal Regional Center	
For physical plant improvements including funds for tile replacement, parking lot and breezeway extension, addition of storage and carport areas and other minor repairs	
From Revenue Sharing Trust Fund .....	\$45,402
<b>Section 11.195. To the Department of Mental Health</b>	
For the Kirksville Regional Center	
For physical plant improvements including funds for maintenance and repairs at the center	
From Revenue Sharing Trust Fund .....	\$27,263
<b>Section 11.200. To the Department of Mental Health</b>	
For the Poplar Bluff Regional Center	
For physical plant improvements including funds for maintenance, repairs, land improvements, storage building addition and other minor repairs	
From Revenue Sharing Trust Fund .....	\$77,700
<b>Section 11.205. To the Department of Mental Health</b>	
For the Kansas City Regional Center	
For physical plant improvements including funds for steam and water line improvements	
From Revenue Sharing Trust Fund .....	\$9,345
<b>Section 11.210. To the Department of Mental Health</b>	
For emergency maintenance and repairs at any of the facilities or institutions operated by the Department of Mental Health	
From Revenue Sharing Trust Fund .....	\$200,000
<b>Section 11.215. To the Department of Social Services</b>	
For the Division of Corrections	
For emergency repair work at all of the Division's facilities .....	
For smoke stack repairs and alteration at Algoa Reformatory .....	\$75,000
For replacement and repair of hot water heaters at Moberly .....	31,500
For replacement and repair of hot water heaters at Moberly .....	105,000
For air conditioning the Administration Building at the Missouri State Penitentiary .....	109,200

For a communications system including telephone system, intercom system and closed circuit television system at Missouri State Penitentiary .....	100,800
For warehouse repairs and maintenance at the Missouri State Penitentiary including rehabilitation of lighting and heating systems .....	47,250
For repairs to buildings at the various facilities operated by the Division of Corrections .....	157,500
From Revenue Sharing Trust Fund .....	535,530
From Federal Funds .....	90,720
Total .....	\$626,250

**Section 11.220. To the Department of Social Services**

**For the State Chest Hospital**

For maintenance and repairs including funds for replacement of three cold storage units, revision of air conditioning system for intensive care unit, replacement of steam coils and air handlers and compressors, doors and other necessary repairs .....	\$74,025
For utility revisions including laboratory sprinkler system distribution mains to cottages, improvements in utility distribution system, demolition of grand reservoir and chlorine facilities, corrosion protection of metal pipes, hot water heat exchange controls and distribution lines .....	85,720
From Revenue Sharing Trust Fund .....	\$159,745

**Section 11.225. To the Department of Social Services**

**For the Ellis Fischel State Cancer Hospital**

For window replacement and related work at the hospital .....	\$185,000
For heating and air conditioning rehabilitation and equipment replacement at the hospital .....	98,438
From Revenue Sharing Trust Fund .....	\$283,438

**Section 11.230. To the Department of Social Services**

**For the Division of Youth Services**

For the Hogan Street Regional Youth Center Maintenance and repair .....	\$17,640
For the Training School for Girls, including improvements to the water, electrical and heating systems in various buildings as well as maintenance and repair work including new lighting, floors, security rooms repair, plumbing and other necessary repairs .....	94,500
For the Training School for Boys including replacement of circuit breakers, heat repairs, and plumbing work .....	85,838
For the W. E. Sears Youth Center including funds for renovation of Administration Building and renovation of Oak Cottage ....	30,870
From Revenue Sharing Trust Fund .....	\$228,848

**Section 11.235. To the Department of Social Services**

**For the Division of Veterans Affairs**

For physical plant improvements including funds for a water

softener in the new dietary building, installing of privacy curtains in dormitory rooms and minor small repairs	
From Revenue Sharing Trust Fund .....	\$11,300

Approved May 4, 1978.

[C. C. S. H. B. 1012]

**APPROPRIATIONS: Capital improvements.**

**AN ACT** to appropriate money for planning, and for capital improvements including, but not limited to, major additions and renovations, new structures and land improvement or acquisition.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency for the purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979, as follows:

<b>Section 12.005.</b> To the Department of Elementary and Secondary Education	
For the Missouri School for the Deaf	
For a vocational education building	
From Revenue Sharing Trust Fund .....	\$2,826,720

<b>Section 12.010.</b> To the Department of Elementary and Secondary Education	
For a school for the severely handicapped at Rolla .....	\$986,730
For a school for the severely handicapped at Jefferson City .....	986,730
For a school for the severely handicapped at Mapaville .....	1,982,758
For a school for the severely handicapped at Marshfield .....	149,425
For a school for the severely handicapped at Doniphan .....	149,425
For a school for the severely handicapped at St. Joseph .....	275,082

From Revenue Sharing Trust Fund .....	\$4,530,150
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<b>Section 12.015.</b> To Southeast Missouri State University	
For preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at least two of the more favorable solutions, prepare schematic designs and recommend the most favorable solution for Magill Hall .....	\$50,000
For an Industrial Arts addition .....	800,000

From Revenue Sharing Trust Fund .....	\$850,000
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<b>Section 12.020.</b> To Southwest Missouri State University	
For all expenses related to the construction of a new library	
From General Revenue .....	\$4,900,000
From Revenue Sharing Trust Fund .....	1,900,000
For Karls Hall renovation	
From Revenue Sharing Trust Fund .....	203,000

<b>Total</b> .....	\$7,003,000
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<b>Section 12.025. To Lincoln University</b>	
For completion of Phase III of the utility distribution system renovation .....	\$858,906
For Phase II construction work at the Fine Arts Center .....	664,000
From Revenue Sharing Trust Fund .....	<u>\$1,522,906</u>

<b>Section 12.030. To Northeast Missouri State University</b>	
For remodeling of Pershing Building	
From Revenue Sharing Trust Fund .....	\$750,000

<b>Section 12.035. To Missouri Southern State College</b>	
For a storage mezzanine in the maintenance building .....	\$67,000
For all costs associated with the construction of a technical education building .....	1,600,000
From Revenue Sharing Trust Fund .....	<u>\$1,667,000</u>

<b>Section 12.036. To Missouri Western State College</b>	
For an addition to the Physical Education Building	
From Revenue Sharing Trust Fund .....	\$1,500,000

<b>Section 12.037. To Northwest Missouri State University</b>	
For preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at least two of the more favorable solutions and recommend the most favorable solution for the renovation of the Lamkin Gymnasium at Northwest Missouri State University	
From Revenue Sharing Trust Fund .....	\$50,000

<b>Section 12.038. To the University of Missouri</b>	
For a feasibility study and appraisal for immediate off campus parking at the Kansas City Campus	
From Revenue Sharing Trust Fund .....	

I hereby veto and do not approve all of Section 12.038. This section would have provided \$10,000 in state funds to study off-campus parking at the University of Missouri-Kansas City. Use of state funds for this purpose is contrary to the policies of the Coordinating Board for Higher Education that parking facilities and related costs should be financed from parking revenues.

JOSEPH P. TEASDALE, Governor

<b>Section 12.039. To the University of Missouri</b>	
For preparation of final plans and specifications for the Heating Plant Improvements at the Columbia Campus	
From Revenue Sharing Trust Fund .....	\$260,000

<b>Section 12.040. To the University of Missouri</b>	
For improvements to the Heating Plant at the Rolla Campus .....	\$5,000,000
For renovation of the Engineering Building at the Columbia Campus .....	1,871,500
For preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at	

least two of the more favorable solutions and recommend the most favorable solution for the Animal Science Complex at the Columbia Campus .....

35,200

From General Revenue Fund ..... 5,075,000

From Revenue Sharing Trust Fund ..... 1,831,700

Total ..... \$6,906,700

I hereby veto said section to the extent of \$120,061, from \$155,261 to \$35,200 for the animal science complex at the Columbia campus, from \$5,195,061 to \$5,075,000 for the amount from General Revenue Fund, and from \$7,026,761 to \$6,906,700 for the total. The Coordinating Board's recommendation on this item was \$35,200, the amount actually requested by the University. Since the additional funds I have vetoed were not specifically requested, proposals for their use could not be reviewed by the Coordinating Board or by my office. My approval of the amount actually requested will allow the University to spend these funds as specified in its request and in the appropriation language.

JOSEPH P. TEASDALE, Governor

Section 12.045. To the University of Missouri

For the Medical Center Emergency Power Supply System ..... \$475,000

For renovation of the Medical Center including expansion and renovation of the newborn intensive care unit, addition of code required stairwalls, and internal building renovations required by stairwell additions ..... 1,100,000

From Revenue Sharing Trust Fund ..... \$1,575,000

Section 12.050. To the Office of Administration

For completion of the fourth phase of central air conditioning in the Capitol Building and for Phase II of a program to air condition the Broadway Building ..... \$1,650,000

For detailed design and bid specifications preparation and revisions in any existing plans as necessary to limit construction to the appropriate design and capacity which will result in an economically justifiable construction proposal for the Harry S. Truman State Office Building ..... 567,089

For preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at least two of the more favorable solutions and recommend the most favorable solution to determine automobile parking requirements including pedestrian and automobile traffic projections in the Capitol Complex ..... 50,000

From Revenue Sharing Trust Fund ..... \$2,267,089

Section 12.055. To the Department of Agriculture

For the State Fair to fund a new grandstand ticket office, an interior fence, a feasibility study for a multipurpose coliseum, and an additional electrical system for the beef cattle area, and road repair .....

From Revenue Sharing Trust Fund ..... \$122,608

Section 12.060. To the Department of Conservation

To provide funds for stream access, acquisition and development, lakeside acquisition and development, land acquisition for up-

land game and state forests, land purchases for wildlife areas and additions to existing areas, improvements and repairs to buildings, roads, hatcheries and other departmental structures  
 From Conservation Commission Fund ..... \$24,000,000

**Section 12.065. To the Department of Natural Resources**

For improvements at the State Parks including historic restoration, water and sewer improvements, campground development, service buildings, residences, concession buildings, interpretative centers, and other support facilities  
 From Revenue Sharing Trust Fund ..... \$912,000  
 From Revenue Bond Fund ..... 550,000  
 From State Park Earnings Fund ..... 504,500  
 From Federal Land and Water Conservation Fund ..... 1,530,500  
 Total ..... 3,497,000

For group camp renovation including repairs to sewers, plumbing, and electrical systems, lodge buildings, new cabins, beds, mattresses, and lockers, recreation hall and camp office repair, swimming pool replacement, and boat house repair  
 From Revenue Sharing Trust Fund ..... 400,000  
 From State Park Earnings Fund ..... 200,000  
 From Federal Land and Water Conservation Fund ..... 200,000  
 Total ..... 800,000

For acquisition of land from willing sellers adjacent to or within existing state park areas  
 From Revenue Sharing Trust Fund ..... 180,000  
 From State Park Earnings Fund ..... 200,000  
 From Federal Land and Water Conservation Fund ..... 380,000  
 Total ..... 760,000

For renovation of the Missouri State Capitol Museum  
 Including design fees for lighting and electrical system renovation, partial lighting installation, removal and rehabilitation of existing artifacts, construct and install new exhibits in east wing, renovate entrance and install new security information kiosk, acquisition of additional artifacts, architectural and engineering fees, and advance design fees for Phase II including the two mini-theatres  
 From Revenue Sharing Trust Fund ..... 400,000  
 For acquisition and development of new state park areas  
 From Revenue Sharing Trust Fund ..... 482,500  
 From State Park Earnings Fund ..... 1,000,000  
 From Federal Land and Water Conservation Fund ..... 1,482,500  
 Total ..... 2,965,000

For increasing flood control and water supply recreation benefits at the Long Branch Reservoir including development of access roads, boat launching ramps, and other improvements  
 From Missouri Water Projects Recreation Fund ..... \$350,000

**Section 12.070.** There is hereby transferred out of the State Treasury chargeable to the General Revenue Fund Three Hundred

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Fifty Thousand Dollars (\$350,000) to the Missouri Water  
Projects Recreation Fund  
From General Revenue Fund ..... \$350,000

**Section 12.072.** To the Department of Natural Resources  
For improvements and renovation at the Bothwell Lodge State Park  
From Revenue Sharing Trust Fund ..... \$90,000

**Section 12.076.** To the Department of Labor and Industrial Relations

For the Division of Employment Security

All funds credited to the account of the State of Missouri in the Federal Unemployment Trust Fund pursuant to the provisions of Section 903 of the Social Security Act, as amended, for the purchase of lands and buildings and for the construction of office buildings for the use of the Division, together with the installation of utilities and paving of parking areas; provided, that the amount which may be obligated during the twelve month period beginning July 1, 1978 and ending June 30, 1979 shall not exceed the amount by which the aggregate of the amounts credited to the state's account in the Federal Unemployment Trust Fund under Section 903 of the Social Security Act during such period and the twenty-four preceding twelve month periods exceeds the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the state's account during such twenty-five twelve month periods, provided, further, that no amount appropriated hereby shall be requisitioned from this state's account in the Federal Unemployment Trust Fund or obligated until after the date on which this act becomes law, or July 1, 1978, whichever is later

From Unemployment Compensation Administration Fund ..... \$815,951

**Section 12.080.** To the Department of Public Safety

For major fixed equipment and finishing exterior work at the new Troop H Headquarters at St. Joseph

From Highway Fund ..... \$168,000

For laboratory furnishings, equipment, and uninterrupted power systems at the General Headquarters area of the Highway Patrol in Jefferson City

From Highway Fund ..... \$257,134

For funds to design and construct an automobile maintenance garage and fully equipped radio shop for the Highway Patrol in Jefferson City

From Highway Funds ..... \$1,013,600

For the Highway Patrol to design and construct satellite facility to serve primarily Ste. Genevieve, Washington and St. Francois Counties

From Highway Fund ..... \$250,000

Total ..... \$1,688,734

**Section 12.085.** To the Department of Mental Health

For Fulton State Hospital to install a new coal boiler, related

equipment, and to make building and other necessary alterations

From Revenue Sharing Trust Fund ..... \$3,287,000

**Section 12.090.** To the Department of Mental Health

For the Nevada School and Hospital

For electrical renovation and other utility rehabilitation

From Revenue Sharing Trust Fund ..... \$395,041

**Section 12.095.** To the Department of Mental Health

For the Higginsville State School and Hospital

For the construction of ten group homes

From Revenue Sharing Trust Fund ..... \$1,334,726

**Section 12.100.** To the Department of Mental Health

For the St. Louis State School and Hospital

For the construction of a multi-purpose building

From Revenue Sharing Trust Fund ..... \$2,668,754

**Section 12.105.** To the Department of Social Services

For the Division of Corrections

For additional facility construction at Fordland including new housing units, a food service building, visiting building, control center with detention unit, and all necessary utility extensions and connections

From Revenue Sharing Trust Fund ..... \$764,960

**Section 12.110.** To the Department of Social Services

For the Division of Corrections

For the preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at least two of the more favorable solutions and recommend the most favorable solution for the Fourth Housing Unit at the Missouri Training Center for Men

From Revenue Sharing Trust Fund ..... \$25,000

I hereby veto said Section to the extent of \$25,000 to zero for preparation of a feasibility study for the Fourth Housing Unit at the Missouri Training Center for Men for the reason that construction funds previously appropriated will build an adequate facility at the institution.

JOSEPH P. TEASDALE, Governor

**Section 12.113.** To the Department of Social Services

For the Division of Youth Services

For the W. E. Sears Youth Center for construction of a food preparation building

From Revenue Sharing Trust Fund ..... \$161,240

**Section 12.115.** To the Department of Social Services

For the State Chest Hospital

For hospital improvements including an emergency generator for laboratory and heating system, enclosure of open stairway exits, rework of fire alarm system, fire dampers, panic hardware on exterior doors and pharmacy renovations ..... \$236,992

For preparation of a feasibility study meeting the criteria of the Division of Design and Construction to forecast future needs, analyze existing conditions, establish construction requirements, compare alternative solutions to include life cycle analyses of at least two of the more favorable solutions and recommend the most favorable solution for an energy and sewer system .. \$28,000

From Revenue Sharing Trust Fund ..... \$264,992

Approved May 4, 1978.

[H. B. 1013]

**APPROPRIATIONS: Capital improvements.**

AN ACT to appropriate money for capital improvements and other purposes for the several departments of state government, from the funds herein designated, for the period beginning July 1, 1978 and ending June 30, 1979.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

There is appropriated out of the State Treasury, chargeable to the fund for the agency and purpose designated, for the period beginning July 1, 1978 and ending June 30, 1979 the unexpended balances as of June 30, 1978.

**Section 13.010. Department of Elementary and Secondary Education**

For the Missouri School for the Deaf

For Physical Plant Improvements

Safety Programs and Replacements—Replace fire water lines, install fire escapes in Stark Hall, replace standby steam boiler in power house, replace roof at Kerr Hall, replace stage curtains, renovate locker and shower rooms, tuckpoint and waterproof three buildings, install exterior lighting at various locations.

Total Physical Plant Improvements ..... \$228,250

For Additions, Renovations and Rehabilitation—Existing Structures

Renovate Heating System and Air Condition Infirmary—

Renovate heating system and add air conditioning to McCall Infirmary ..... 173,835

Vocational Building—Planning funds to renovate present Vocational Building or to construct new Vocational Building ..... 50,000

From Revenue Sharing Trust Fund ..... \$452,085

Representing expenditures originally authorized under the provisions of Section 1.010, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.015. Department of Elementary and Secondary Education**

For the Missouri School for the Blind

## For Physical Plant Improvements

General Maintenance and Repair—Replace windows, screens,  
painting, roofing and other general repairs

From Anti-Recession Fiscal Assistance Funds ..... \$45,472

Representing expenditures originally authorized under the provisions of Section 1.015, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.020. Department of Elementary and Secondary Education—Missouri School for the Blind

## For New Structures—Land Acquisition

Multi-Handicapped building and grounds, land acquisition,  
land improvements, construction, major fixed equipment  
and technical services ..... \$2,645,551

Representing expenditures originally authorized under the provisions of Section 9.015, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.010, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$2,645,551

## Section 13.025. Department of Elementary and Secondary Education

## For the State Schools for the Severely Handicapped

## For the Physical Plant Improvements

General Maintenance and Repair—Provide general  
maintenance and repair of existing buildings

Total Physical Plant Improvements ..... 215,791

## For New Structures—Land Acquisition

## State School for Severely Handicapped—

## Poplar Bluff—

Construct a school for severely handicapped children ..... 1,029,983

## State School for Severely Handicapped—

## Kansas City—

Construct a school for severely handicapped children ..... 1,838,184

## State School for Severely Handicapped—

## St. Louis—

Construct classroom addition to the St. Louis School  
#70 ..... 252,369

## State School for Severely Handicapped—

## Harrisonville—

Construct a school for severely handicapped children ..... 173,640

## State School for Severely Handicapped—

## Flat River—

Construct a school for severely handicapped children ..... 95,480

## State School for Severely Handicapped—

## Sedalia—

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Construct a school for severely handicapped children .....	905,032
State School for Severely Handicapped— Potosi—	
Construct a school for severely handicapped children .....	95,480
From Revenue Sharing Trust Fund .....	\$4,610,959
Representing expenditures originally authorized under the provisions of Section 1.020, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
 Section 13.030. Department of Elementary and Secondary Education	
For State Schools for Retarded	
School No. 36, Hannibal	
Land acquisition, land improvement, building construction, moveable equipment, and technical services and contingencies .....	\$20,783
School No. 40, Union	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies .....	29,446
Representing expenditures originally authorized under the provisions of Section 9.010, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session	
State School No. 48 Building—Joplin	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies .....	172,110
State School No. 1 Building—Springfield	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies .....	187,918
State School No. 70 Building—St. Louis	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment and technical services and contingencies .....	683,208
State School No. 7 Building—St. Charles	
Land acquisition, land improvement, building construction, major fixed equipment, moveable equipment, and technical services and contingencies .....	399,948
Representing expenditures originally authorized under the provisions of Section 9.010, Conference Committee Substitute for House Bill 1009, an Act of the 77th General Assembly, Second Regular Session, and Section 9.010, Conference Committee Substitute for House Bill 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.310, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	1,493,413



**Section 13.035. Department of Elementary and Secondary Education—State Schools for Severely Handicapped**

**For State School No. 36—Hannibal**

A day school providing an educational program for severely handicapped children; a six class room addition to the six class rooms presently under construction .....	\$105,647
Representing expenditures originally authorized under the provisions of Section 9.020, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.015, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$105,647

**Section 13.040. Department of Higher Education**

**For University of Missouri**

**For Physical Plant Improvements**

**Columbia—**

Utility Systems, Safety Programs, Replacements/ Alterations, Maintenance and Repair .....	\$991,484
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**Kansas City—**

Utility Systems, Safety Programs, Replacements/ Alterations, Maintenance and Repair .....	400,000
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**Rolla—**

Utility Systems, Safety Programs, Replacements/ Alterations, Maintenance and Repair .....	287,250
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**Rolla—**

Construct Chemical Storage Building .....	304,000
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**St. Louis—**

Utility Systems, Safety Programs, Replacements/ Alterations, Maintenance and Repair .....	151,000
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**For Additions, Renovations & Rehabilitation—**

**Existing Structures**

Columbia—Addition to Journalism School .....	683,999
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Rolla—Heating Plant Improvement Feasibility Study ....	5,000
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**Agricultural Experiment Station—**

Maintenance and repair for various facilities at the Experiment Station .....	300,000
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Columbia—Planning Funds for Library Storage Facility .	60,000
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Columbia—Planning Funds for Renovation of Engineering Building .....	28,500
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From Revenue Sharing Trust Fund .....	\$3,211,233
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Representing expenditures originally authorized under the provisions of Section 1.195, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.045. To the Curators of the University of Missouri**

**For the Columbia Campus**

**For New Structures**

**For construction of a Nursing Training Facility**

Representing expenditures originally authorized under the pro-

visions of Section 9.315, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.265, Conference Committee Substitute for House Bill No. 10, and Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$2,195,169
<b>Section 13.050.</b> To the Curators of the University of Missouri	
For the Kansas City Campus	
For New Structures—Land Acquisition	
For construction of a Law School	
Representing expenditures originally authorized under the provisions of Section 9.330, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.280, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$2,914,982
<b>Section 13.055.</b> Curators of the University of Missouri Music Conservatory and Performing Arts Center at Kansas City contingent upon	
Representing expenditures originally authorized under the provisions of Section 9.420, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.440, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$1,903,303
<b>Section 13.060.</b> Department of Higher Education	
For Southwest Missouri State University	
For Physical Plant Improvements—Springfield	
Utility Systems—	
Primary electric service, add to campus lighting, ventilate utility tunnels, repair storm/sanitary sewer systems and repair utility tunnels .....	\$105,000
Safety Programs—	
Install window safety devices, add to emergency lighting system .....	10,000
Replacements—	
Replace windows at Carrington Hall and floor tile at Greenwood .....	42,000
Maintenance and Repair—	
Repair roofs, seal walls, repair metal facia, remodel offices, classrooms and laboratories, repair fences, tuckpoint, repair swimming pool and storage building .....	150,530
For Physical Plant Improvements—	
Fruit Experiment Station	
Utility Systems—	
Extension of irrigation system extend and improve fire system .....	24,768

## For Physical Plant Improvements—

## West Plains

## Residence Center

Maintenance and repair of buildings .....	10,000
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## For Additions, Renovations and Rehabilitation

## Existing Structures—

## Energy Monitoring System—

Automatically monitor and reset operating equipment to optimize the fuel consumption .....	184,155
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## Facilities for Handicapped—

Alterations to six buildings on the campus, to make them usable by handicapped students and various modifications to sidewalks and streets, identifica- tion signs and other alterations .....	100,000
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## New Structures—Land Acquisition

Planning and design of a new library building .....	200,000
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From Revenue Sharing Trust Fund .....	\$826,453
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Representing expenditures originally authorized under the provisions of Section 1.200, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.065. Board of Regents—Southwest Missouri State University

For Physical Plant Improvements .....	\$24,663
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## For Additions, Renovations and Rehabilitation—

For planning and feasibility study of a new library .....	\$27,196
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Representing expenditures originally authorized under the provisions of Section 9.335, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.285, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....	\$51,859
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## Section 13.070. Board of Regents—Northwest Missouri State University

For Physical Plant Improvements .....	\$18,910
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## For Additions, Renovations and Rehabilitation—

## Existing Structures

## Remodel Administration Building—

Phase II .....	65,387
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Representing expenditures originally authorized under the provisions of Section 9.355, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.300, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....	\$84,297
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<b>Section 13.075. Department of Higher Education</b>	
<b>For Northeast Missouri State University</b>	
<b>For Physical Plant Improvements</b>	
General Renovations/Repairs—	
Chemical storage facility roof and wall repairs, painting, interior renovations, mechanical revisions, water main .....	\$365,000
<b>For Additions Renovations and Rehabilitation</b>	
<b>Existing Structures—</b>	
Utilities Monitoring System—Installation of a monitoring system for existing utilities .....	\$185,000
From Revenue Sharing Trust Fund .....	\$550,000
Representing expenditures originally authorized under the provisions of Section 1.215, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.080. Department of Higher Education</b>	
<b>For Northwest Missouri State University</b>	
<b>For Physical Plant Improvements</b>	
<b>Utility Systems—</b>	
Map and inspect utility systems, repair steam lines and make energy conservation study. Also, provide various safety items such as extinguishers, showers, security lighting, stair towers, repair high voltage system, replace fuel oil tank, repair structural systems, replace various pumps and lines, masonry repair, roof repair, electrical distribution panels, sewer lines, retaining walls, cyclone fence, street and walk improvements and various light projects .....	\$392,429
<b>For Additions, Renovations and Rehabilitation</b>	
<b>Existing Structures—</b>	
Administration Building—	
Complete the renovation of the Administration Building .....	616,000
From Revenue Sharing Trust Fund .....	\$1,008,429
Representing expenditures originally authorized under the provisions of Section 1.220, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.085. Board of Regents—Northeast Missouri State University</b>	
<b>For Physical Plant Improvements</b>	
<b>For Additions, Renovations and Rehabilitation .....</b>	
<b>Existing Structures</b>	
Complete remodeling of Baldwin Hall	
Representing expenditures originally authorized under the provisions of Section 9.350, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.295, Confer-	

ence committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$102,899
<b>Section 13.090. Northeast Missouri State University</b>	
For Replacement, Rehabilitation and Remodeling .....	\$74,589
Representing expenditures originally authorized under the provisions of Section 9.500, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session	
Construct Administration—Classroom Building .....	\$77,782
Representing expenditures originally authorized under the provisions of Section 9.450, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.450, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$152,371
<b>Section 13.095. Department of Higher Education</b>	
For Central Missouri State University	
For Physical Plant Improvements	
Major Repairs and Replacements—	
Various repairs throughout campus	
From Revenue Sharing Trust Fund .....	\$195,600
Representing expenditures originally authorized under the provisions of Section 1.205, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.100. Department of Higher Education</b>	
For Southeast Missouri State University	
For Physical Plant Improvements	
Miscellaneous Repairs and Replacements—	
Miscellaneous repairs and replacements to equipment, furnishings, buildings, systems and campus grounds	
From Anti-Recession Fiscal Assistance Fund .....	\$342,325
For Additions, Renovations and Rehabilitation	
Existing Structures—	
Energy Conservation—Power Plant—	
Centralized metering of all utilities, centralized control of utility distribution, extension of smoke stacks for boilers	
From Revenue Sharing Trust Fund .....	243,000
Total .....	\$585,325
Representing expenditures originally authorized under the provisions of Section 1.210, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.105. Department of Higher Education</b>	
For Missouri Southern State College	
For Physical Plant Improvements	
General Repairs	

Repair parking areas, exterior painting, repair service drive, roofs, tuckpointing and waterproofing	
From Revenue Sharing Trust Fund .....	\$245,014
Representing expenditures originally authorized under the provisions of Section 1.225, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.110. Department of Higher Education</b>	
For Missouri Southern State College	
Planning money for a new Technology Classroom Building	
From Revenue Sharing Trust Fund .....	\$50,000
Representing expenditures originally authorized under the provisions of Section 1.226, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.115. Department of Higher Education</b>	
For Missouri Western College	
For Physical Plant Improvements	
General Repairs	
Inspect and repair heating and air conditioning systems, repair parking lots and repair roofs, painting classrooms and other public areas, extension and completion of sidewalks, asphalt surface road to maintenance complex, improve physical education and athletic outdoor classroom areas, and acoustical treatment of musical facilities	
From Revenue Sharing Trust Fund .....	\$235,792
Representing expenditures originally authorized under the provisions of Section 1.230, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.120. Department of Higher Education</b>	
For Lincoln University	
For Physical Plant Improvements	
General Repairs/Replacements—	
Provide campus security lighting and key system, electrical repairs, sewer and water line repair, pipe insulation, renovate radio station transmitter and tower, investigate structural problem in ROTC Building, erosion control; roof repair, waterproofing and tuckpointing, patching, plastering, painting, paving repairs, air conditioning repairs, retaining wall repairs, landscaping .....	\$226,000
For Additions, Renovations and Rehabilitation	
Existing Structures—	
Utility Distribution System—	
Continue with utility system improvements throughout campus .....	972,400
From Revenue Sharing Trust Fund .....	\$1,198,400
Representing expenditures originally authorized under the provisions of Section 1.235, Conference Committee Substitute for	

House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

Section 13.125. Department of Higher Education

For Lincoln University

For Physical Plant—Improvements

General Repairs—

For completion of shipping-receiving, supply building drive-ways, walks and curbs, retaining walls and installation of roof drainage system

From Second State Building Fund ..... \$24,173E

Representing expenditures originally authorized under the provisions of Section 1.240, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

Section 13.130. Department of Higher Education

For Lincoln University

For Additions, Renovations and Rehabilitation

Existing Structures—

Richardson Fine Arts Center

From Revenue Sharing Trust Fund ..... \$400,000

Representing expenditures originally authorized under the provisions of Section 1.245, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

Section 13.135. General Assembly

For the Missouri Senate

For capitol improvements, including enclosing and decorating the side galleries of the Senate Chamber

From Revenue Sharing Trust Fund ..... \$43,285

Representing expenditures originally authorized under the provisions of Section 1.250, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

Section 13.140. Curators of Lincoln University

For Physical Plant Improvements ..... \$207,659

For Additions, Renovations and Rehabilitation—

Existing Structures

Rib stone silo complete with silage unloader and automatic feed conveyor ..... \$16,500

Utility Distribution System—Phase II of IV Phase program ..... \$451,949

Total Additions, Renovations and Rehabilitation—Existing Structures

Representing expenditures originally authorized under the provisions of Section 9.370, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.305, Conference Committee Sub-

stitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session.

From Revenue Sharing Trust Fund ..... \$676,108

**Section 13.145. Lincoln University**

Physical Plant Improvements ..... \$1,362

Representing expenditures originally authorized under the provisions of Section 9.430, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

Utility Systems (General), Safety Programs, Maintenance/Repairs, Furnishings and Technical Services and Design and Phase 1 Construction—Utility Distribution System ..... \$128,159

For Additions, Renovations and Rehabilitation—Existing Structures

Remodel and Renovate Jason Hall ..... \$104,211

Representing expenditures originally authorized under the provisions of Section 9.250, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.445, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$233,732

**Section 13.150. Office of Administration**

For the Capitol Building

Physical Plant Improvements: Plastering and painting throughout the building; cleaning and tuckpointing and repair of interior marble; and replacement of lifting system for Rotunda Chandelier, repairs to ceiling of Senate Chambers

Additions, Renovation and Rehabilitation: Replace flat roofs, repair or replace skylights, exterior stone replacement, window repair or replacement, exterior dome and building renovation (Phase IV), and technical services and contingencies. Central air conditioning, restroom renovation, separation of storm and sanitary sewers (Phase II), new transformer banks (Phase I), and technical services and contingencies

Representing expenditures originally authorized under the provisions of Section 9.040, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session, and provisions of Section 10.320, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$89,831

**Section 13.155. Office of Administration**

For the Division of Design and Construction

For the Governor's Mansion—environmental control system—Phase II

Representing expenditures originally authorized under the provisions of Section 9.026, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session, and provisions of Section 10.025, Con-



ference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$335,000
<b>Section 13.160. Office of Administration</b>	
For the Division of Design and Construction	
For office renovation and relocation—Capitol Building	
Representing expenditures originally authorized under the provisions of Section 9.027, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.030, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$42,665
<b>Section 13.165. Office of Administration</b>	
For the Division of Design and Construction	
For general repairs—Capitol Building	
Representing expenditures originally authorized under the provisions of Section 9.028, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.035, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$23,719
<b>Section 13.170. Office of Administration</b>	
For general physical plant improvements and for planning environmental control system—Governor's Mansion	
Representing expenditures originally authorized under the provisions of Section 16.083 and 16.084, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.455, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$22,216
<b>Section 13.175. Office of Administration</b>	
For the Division of Design and Construction	
For Physical Plant Improvements—Capitol Complex	
General Repairs—	
Continue general repairs throughout the Capitol Complex including plastering, painting, electrical, steam, water, sewer lines, roof flashing, sidewalks, streets, minor renovations, etc. ....	
	\$463,516
General Repairs—Governor's Mansion—	
General structural repairs on the interior of the building, minor renovations, equipment replacement, furnishings and other related repairs .....	
	100,000
Total Physical Plant Improvements .....	563,516
For Additions, Renovations & Rehabilitation—	
Existing Structures—Capitol Complex—	
General Renovations/Office Relocation—	

Renovation to existing spaces within state-owned buildings and for relocation costs .....	349,912
Central Air Conditioning—Capitol and Broadway Buildings—	
Complete Phase 3 of four phases to the central air conditioning of the Capitol Building and begin Phase 1 of the central air conditioning of the Broadway Building .....	900,000
Utility Revisions—	
A phased program of major utility revisions within the Capitol Complex necessary to begin a program of energy use conservation .....	275,000
Major Exterior Renovations—Capitol Complex—	
Renovate the three fountains on the Capitol Building grounds and the existing pool and fountain at the Jefferson Building .....	170,000
Major Repairs—Jefferson Building—	
Provide for Repairs to the exterior of the Jefferson Building .....	110,000
From Revenue Sharing Trust Fund .....	\$2,368,428
Representing expenditures originally authorized under the provisions of Section 1.025, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

## Section 13.180. Office of Administration

For the Harry S. Truman State Office Building in Jefferson City  
 For completion of planning, land acquisition, soils investigation, surveys, and other related expenses

From Revenue Sharing Trust Fund .....	\$1,277,111
Representing expenditures originally authorized under the provisions of Section 1.026, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

## Section 13.185. Office of Administration

For the Division of Design and Construction

For renovation and repair of office space in rooms numbering 100-106, 123, 124 and 127-130 in the Capitol Building .....	\$130,000
For relocation expenses—Division of EDP coordination ..	24,690

From Revenue Sharing Trust Fund .....	\$204,690
Representing expenditures originally authorized under the provisions of Section 1.027, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

## Section 13.190. Office of Administration

For the construction of hearing rooms in the basement in the Capitol Building

From Revenue Sharing Trust Fund .....	\$49,090
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Representing expenditures originally authorized under the provisions of Section 1.028, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

#### Section 13.195. Board of Public Buildings

To acquire land for future development of State-owned facilities .. \$148,147

Representing expenditures originally authorized under the provisions of Section 9.041, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session

Representing expenditures originally authorized under the provisions of Section 9.965, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

Acquisition and Site Improvements—Wainwright Complex ..... 112,117

Representing expenditures originally authorized under the provisions of Section 9.070, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session

From Revenue Sharing Trust Fund ..... \$260,264

For a health laboratory and an electronic data processing facility for the Department of Social Services

From funds paid into the State Treasury under the "Medicare" and "Medicaid" provisions of the Social Security Act and from funds from the federal government paid into the State Treasury pursuant to Public Law 91-296 known and cited as the Medical Facilities Construction and Modernization Amendments of 1970

Representing expenditures originally authorized under the provisions of Section 16.290, Conference Committee Substitute for House Bill 16, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.325, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Federal Funds ..... \$985,901

From Revenue Sharing Trust Fund ..... \$260,264

#### Section 13.200. Board of Public Buildings

For site acquisition, planning and construction of the Wainwright State Office Building, St. Louis, Midtown State Office Building (in accordance with a letter of intent dated September 13, 1977), St. Louis, and a Springfield State Office Building or buildings, Springfield, provided, however, that the construction and direct operating costs of any parking facilities in connection with any such buildings shall be recovered over a period of the useful life of the facilities through rental charges for spaces in said parking facilities

From proceeds of sale of Revenue Bonds ..... \$21,000,000

From Revenue Sharing Trust Fund ..... \$5,792,062

Total ..... \$26,792,062

Representing expenditures originally authorized under the provisions of Section 1.029, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.205. Department of Agriculture**

For the Missouri State Fair

For Physical Plant Improvements

Utility Study/Safety Programs—

Provide an engineering study of the campuswide utility systems, replace wiring in five buildings and add fire escapes to the Women's Building ... \$81,312

General Repairs—

Replace or repair roofing on six buildings, tuckpoint and waterproof four buildings and remove rust and cap grandstand concrete pillars ..... 98,140

Roadways/Ventilation—

Repair roadways on campus and provide Coliseum ventilation ..... 20,000

Total Physical Plant Improvements ..... 199,452

For New Structures—Land Acquisition

Restroom—

Construct a restroom on the new 60-acre campground including shower facilities ..... 36,000

Miscellaneous Construction—

Electrical system to campgrounds on new 60 acres, construct marquis and construct wash racks at the Simmental and Hereford Cattle Barn ..... 48,200

Overhead Walkway—

Construct an overhead walkway to the new 60-acre campground ..... 67,200

Sheep Pavilion—

Construct approximately 6,500 square foot addition to Sheep Pavilion ..... 72,800

From Revenue Sharing Trust Fund ..... \$423,652

Representing expenditures originally authorized under the provision of Section 1.030, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.210. Department of Conservation**

For Conservation Commission Fund Projects

From Conservation Commission Fund ..... \$18,289,143

Representing expenditures originally authorized under the provisions of Section 1.035, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.215. Department of Natural Resources**

For the Division of Parks and Recreation

For Existing State Parks

For Physical Plant Improvements

For acquisition of approximately 7 acres of land, with improvements on the southwest boundary of Arrow Rock Park .....	\$25,000
For acquisition of property adjacent to Locust Creek bridge so that protection of the bridge and development of the site can occur .....	\$10,000
For new water distribution system and replacement of a portion of the existing distribution lines in Crowder Park .....	\$36,738
For land acquisition, renovation and development of the existing sewer system in St. Francois State Park .....	\$246,537
For extension of waterlines at Finger Lakes to areas of the park that have no present water source .....	\$13,100
For construction of a residence and service complex at the Harry S. Truman Reservoir .....	\$41,988
For construction of a new dining lodge at the Thousand Hills State Park .....	\$186,005
For restoration of a major portion of Watkins Woolen Mill .....	\$30,554
For initial construction of a general Day Use Facility at Ranken Reither Tract .....	\$56,068
For the development of a group camp at Mark Twain State Park ..	\$287,175
Representing expenditures originally authorized under the provisions of Section 9.105, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.105, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$258,547
From Land and Water Fund .....	\$651,518
From State Parks Earnings Fund .....	\$23,100
Total .....	\$933,165

#### Section 13.220. Department of Natural Resources

For the Division of Parks and Recreation

For New State Parks

Representing expenditures originally authorized under the provisions of Section 9.106, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.110, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Land and Water Fund .....	\$1,000,000
From State Parks Earnings Fund .....	\$997,782
Total .....	\$1,997,782

#### Section 13.225. Department of Natural Resources

For the Division of Parks and Recreation

For Capitol Complex

For landscaping, repairs to wall, fence and walkway

Representing expenditures originally authorized under the provisions of Section 9.115, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.120, Confer-

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ence Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$20,603
<b>Section 13.230. Department of Natural Resources</b>	
For New State Parks	
For the St. Joe State Park	
Planning and Capital Improvements	
Representing expenditures originally authorized under the provisions of Section 9.126, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.130, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$79,516
<b>Section 13.231. Department of Natural Resources</b>	
Construct camp sites at Lewis and Clark (35) and for a pool for the handicapped at Babler State Park and the construction of sewer and restroom facility at Quiver River.*	
Representing expenditures originally authorized under the provisions of Section 9.155, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.350, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session. The funds suggested for use on this project are those that have been designated to do work at Rock Bridge State Park under Section 10.350. The work at Rock Bridge was not done due to area residents and legislative objection to this project.	
From Revenue Sharing Trust Fund .....	\$255,299
<b>Section 13.235. Department of Natural Resources</b>	
For the State Park System	
Development of Day Use Facilities at Hahn, Johnson's Shut Ins, Knob Noster, Meramec, Pomme de Terre, Roaring River, Rock Bridge and Stockton .....	
	\$243,809
Construction of Rental Cabins and concession units at Bennett Springs, Meramec, Roaring River, Sam A. Baker, Thousand Hills and Washington .....	
	160,697
Representing expenditures originally authorized under the provisions of Section 9.150, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.355, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From State Park Earnings Fund .....	82,855
From Land and Water Fund .....	321,651
<b>Total .....</b>	<b>\$404,506</b>
<b>Section 13.240. Department of Natural Resources</b>	
For the State Park System	
For land acquisition and development; to accept gifts and bequests	

Representing expenditures originally authorized under the provisions of Section 9.165, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.360, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session.

From State Park Earnings Fund .....	\$196,146
From Land and Water Fund .....	227,235
<b>Total .....</b>	<b>\$423,381</b>

**Section 13.245. Department of Natural Resources**

For the Division of Parks and Recreation

For New State Parks

Acquisition and Development of new state park areas, which shall include acquisition and development of the Mastodon Park in Jefferson County

From Land and Water Fund .....	\$615,211
From State Park Earnings Fund .....	744,920

Representing expenditures originally authorized under the provisions of Section 9.065, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.370, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

<b>Total .....</b>	<b>\$1,360,131</b>
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**Section 13.250. Department of Natural Resources**

For Edmund A. Babler Memorial Park

For Physical Plant Improvements

General repair and maintenance to roads and parking lots, enlarge existing stable and related facilities, construct a bicycle trail both along the circumventing road of the park and cross country, remodel two restrooms, buildings 29 and 33

Representing expenditures originally authorized under the provisions of Section 9.070, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.375, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Babler Trust Fund .....	\$28,931
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**Section 13.255. Department of Natural Resources**

For the Division of Environmental Quality

For control of water pollution through construction of sewage treatment facilities by any county, municipality, sewer district or combination and for construction of wastewater treatment facilities and all costs of preparing and selling the bonds

Representing expenditures originally authorized under the provisions of Section 16.400, Conference Committee Substitute for House Bill No. 1016, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 6.215, Conference Committee Substitute for House Bill No. 6, an Act of the 77th General Assembly, First Regular Session and pro-

visions of Section 16.175, Conference Committee Substitute for House Bill No. 16, an Act of the 78th General Assembly, First Regular Session and provisions of Section 16.160, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.380, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Water Pollution Control Fund .....\$33,204,868

**Section 13.260. Department of Natural Resources**

For acquisition and improvement of the Thomas Hart Benton Home  
Representing expenditures originally authorized under provisions of Section 16.355, Conference Committee Substitute for House Bill No. 1016, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.465, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....\$54,688

**Section 13.265. Department of Natural Resources**

For New State Parks

Representing expenditures originally authorized under the provisions of Section 9.065, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.500, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From General Revenue .....\$24,364

**Section 13.270. Department of Natural Resources**

For the Clean Water Commission

For grants for the control of storm water in St. Louis County; for those areas in St. Louis County under the control and jurisdiction of the Metropolitan Sewer District on a matching basis with funds from the Metropolitan Sewer District, the federal government political subdivisions of the state, or from any other source which may be available, with the state's share being no more than one-third the total cost of any project; and for those areas in St. Louis County not under the control and jurisdiction of the Metropolitan Sewer District to be matched by funds from other sewer districts, the federal government, political subdivisions of the state, or from any other source which may be available, with the state's share being no more than one-third the total cost of any project; provided that all projects which are to utilize state funds are certified by the St. Louis County Council to the Director of Natural Resources so as to assure uniformity of effort in alleviating the problem of storm water within St. Louis County

Representing expenditures originally authorized under the provisions of Section 4.395, Conference Committee Substitute for House Bill No. 1004, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.505, Con-



ference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$500,000
<b>Section 13.275. Department of Natural Resources</b>	
For the Division of Parks and Recreation	
For repair and replacement of existing facilities at the Lee C. Fine Airport .....	
	\$81,079
Representing expenditures originally authorized under the provisions of Section 16.330, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session and provisions of Section 10.530, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$81,079
<b>Section 13.280. Department of Natural Resources</b>	
For the Division of Environmental Quality	
Grants to legally organized public water supply districts .....	\$217,305
Grants to cities, towns and villages for sewer construction .....	409,325
Representing expenditures originally authorized under the provisions of Section 6.165, Conference Committee Substitute for House Bill No. 6, an Act of the 77th General Assembly, First Regular Session, and provisions of Section 6.150, Conference Committee Substitute for House Bill No. 1006, an Act of the 77th General Assembly, Second Regular Session and provisions of Section 10.385, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$626,630
For the Division of Environmental Quality Grants to legally organized public water supply districts .....	
	\$490,900
For grants to cities, towns and villages for sewer construction ....	\$296,050
Representing expenditures originally authorized under the provisions of Section 4.680 Conference Committee Substitute 2 for House Bill 4 an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.390, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$786,950
For the Division of Environmental Quality	
For grants to legally organized public water supply districts .....	\$1,112,175
For grants to cities, towns and villages for sewer construction .....	\$952,577
Representing expenditures originally authorized under the provisions of Section 4.901, Conference Committee Substitute for House Bill No. 1004, an act of the 78th General Assembly, Second Regular Session and provisions of Section 10.510, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$2,064,752
Total .....	\$3,478,332
<b>Section 13.285. Department of Natural Resources</b>	
For Division of Environmental Quality	

For Grants to Counties, Cities, Towns, and Villages and legally organized water districts for sewer construction and water supply systems and provisions of Section 4.960, Conference Committee Substitute for House Bill No. 4, an Act of the 79th General Assembly, First Regular Session

From General Revenue .....	\$2,425,000
From Anti-recession Fiscal Assistance Fund .....	\$1,000,000
<b>Total .....</b>	<b>\$3,425,000</b>

**Section 13.290. Department of Natural Resources**

For the Division of Parks and Recreation

For existing State Park Systems Campground Development, Outdoor Education and Interpretation, Historic Sites, Day Use Facilities, Buildings and Support Facilities, Concession Program and Land Acquisition .....

\$537,234

From Land and Water Fund .....

413,761

From State Park Earnings Fund .....

123,473

Representing expenditures originally authorized under the provisions of Section 9.060, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.365, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

<b>Total .....</b>	<b>\$537,234</b>
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**Section 13.295. Department of Natural Resources**

For the Division of Parks and Recreation

For Revenue Bond Retirement .....

\$250,000

For Physical Plant Improvements

Landscaping and Rehabilitation—

Landscaping of areas that have high use and need continual major upkeep .....

50,000

For Additions, Renovations & Rehabilitation—Existing Structures

Lee C. Fine Airport—

Work will include, but not be limited to runway extension and improvements, taxiways extension and improvements, and general building improvements .....

450,000

Existing State Park System—

Repair and maintenance at various state parks .....

499,878

Road and Parking Repair—

Repair and maintenance of 200 miles of roads throughout the park system .....

248,087

Existing State Park System—

Land acquisition, historic restoration, water and sewer improvements, campground development, service residences, restroom development, visitors' center, lakes and dams and other support facilities .....

3,447,000

Lewis and Clark State Park

For the purpose of purchasing equipment, and for one year's operation to dredge the lake .....

575,000

New State Parks—Acquisition and Development .....	2,000,000
Group Camp Program at Edmund A. Babler Memorial Park	
Construct a swimming pool .....	150,000
Wakonda State Park	
For the purpose of dredging the lake .....	100,000
For general site improvement .....	149,425
Battle of Athens State Park	
For the acquisition of land .....	100,000
For general site improvement .....	150,000
Bothwell Lodge	
For road construction, parking lot construction, picnic area development and other improvements .....	100,000
From Anti-Recession Fiscal Assistance Fund .....	750,000
From Revenue Sharing Trust Fund .....	2,344,390
From Building Fund (Revenue Bonds) .....	1,525,000
From State Park Earnings Fund .....	1,725,000
From Land and Water Fund .....	1,475,000
From Federal Funds .....	450,000
Total—Division of Parks and Recreation .....	\$8,269,390
For Division of Geology and Land Survey	
For Physical Plant Improvements	
Maintenance/Repair—Replace existing roofing, repair parking lots, driveway and curbing .....	
From Revenue Sharing Trust Fund .....	56,041
Total—Department of Natural Resources (all funds) .....	\$8,325,431
Representing expenditures originally authorized under the provisions of Section 1.045, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
Section 13.300. Department of Highways	
For construction of District Office garage and vehicle storage buildings at Hannibal, technical services and contingencies	
Representing expenditures originally authorized under the provisions of Section 9.120, Conference Committee Substitute for House Bill No. 1009, an Act of the 76th General Assembly, Second Regular Session	
From Highway Department Fund .....	\$500,931
Section 13.305. Department of Highways	
For Physical Plant Improvements	
From State Highway Department Fund .....	\$145,611
Representing expenditures originally authorized under the provisions of Section 1.040, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
Section 13.310. Department of Public Safety	
For the Missouri State Highway Patrol	
For Physical Plant Improvements	

General Repairs and Improvements—Troop A Headquarters—	
Various repairs and replacements of roofs, steps, air conditioners, air exhausts, lighting, ceiling, plaster, painting, partitioning, doors, drives and parking lots .....	\$96,500
Troop G Headquarters—Miscellaneous Repairs—	
Replace roof on Troop G Headquarters, Willow Springs ..	18,000
Replace Floor Covering—	
Replace floor covering in the dormitory at the Training Academy .....	16,423
For New Structures—Land Acquisition	
Troop F. Headquarters—	
Construct new Troop F Headquarters at Jefferson City including necessary furnishings. Also, new radio tower, transmitter house, emergency generator and radio console .....	1,177,600
Pistol Range—	
Provide building and range equipment at Troop C, Kirkwood .....	172,400
From Highway Fund .....	\$1,480,923
Representing expenditures originally authorized under the provisions of Section 1.050, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
Section 13.315. Department of Public Safety	
For the Adjutant General	
For Physical Plant Improvements	
Maintenance/Repair—	
Provide general repairs to Aurora, Caruthersville, Chillicothe, Clinton, Jefferson Barracks, Warrensburg .....	\$97,907
Maintenance/Repair—	
Provide general repairs at Dexter, Jefferson Barracks, Doniphan, Jackson, Farmington .....	100,000
Maintenance/Repair—	
Provide general repairs at Monett, Pierce City, Raytown, Rolla and Bernie .....	99,500
Maintenance/Repair—	
Provide general repairs at St. Joseph, St. Louis, Jefferson City, Jefferson Barracks, Albany, Fredericktown and Kirksville .....	100,000
Planning New Armories at Jefferson City, Kennett .....	
From Revenue Sharing Trust Fund .....	\$397,407
This appropriation does not consider Federal funding which may become available for Missouri National Guard Facilities. State funds replaced by Federal funds may be used for essential repairs and/or replacements to any Missouri National Guard Facility. Funds in this appropriation may be used to support projects for which Federal funding may become available. No new buildings, except as specifically authorized herein, may be acquired or constructed with funds in this appropriation.	

tion. Representing expenditures originally authorized under the provisions of Section 1.055, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.320. Department of Public Safety**

For the Missouri State Highway Patrol

For New Structures and Land Acquisition

For General Headquarters Expansion ..... \$2,365,402

For New Troop "H" Headquarters—St. Joseph ..... \$959,500

For New garage at Troop "T"—Rolla ..... \$41,584

Total New Structures and Land Acquisition ..... \$3,366,486

For Physical Plant Improvements

For general maintenance and repair Troop "A"—Lee's Summit .... \$3,300

Total Physical Plant Improvements ..... \$3,300

For building renovations and additions

For radio garage addition at Troop "F" Jefferson City ..... \$13,283

Representing expenditures originally authorized under the provisions of Section 9.130, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.135, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From the State Highway Department Fund ..... \$3,383,069

**Section 13.325. Department of Public Safety**

For the Adjutant General

For Maintenance, Repair and Alteration

Caruthersville Armory

Exterior and Interior Repairs ..... \$6,000

Carthage Armory

Exterior and Interior Repairs ..... 1,267

Chillicothe Armory

Exterior and Interior Repairs and Fuel Tank ..... 27,462

Farmington Armory

Exterior and Interior Repairs ..... 3,060

Fredericktown Armory

Exterior and Interior Repairs ..... 1,850

Jackson Armory

Exterior and Interior Repairs ..... 15,165

Jefferson Barracks (Air National Guard Building)

Exterior and Interior Repairs ..... 6,509

Jefferson City Armory and State Arsenal

Exterior and Interior Repairs ..... 8,780

Kennett Armory

Exterior and Interior Repairs ..... 3,743

St. Joseph—Rosecrans Field

(Air National Guard Buildings)

Exterior and Interior Repairs ..... 2,833

St. Louis—Lambert Field

(Air National Guard Buildings)

Exterior and Interior Repairs ..... 8,500

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Warrensbury Armory		
Exterior and Interior Repairs .....	17,705	
Warrenton Armory		
Exterior and Interior Repairs .....	10,248	
Total Maintenance, Repair and Alteration .....		113,122
For Building Renovation and Additions		
Jefferson Barracks		
Building 78		
Exterior and Interior Renovation .....	61,579	
Entire Base Area		
Renovation and Repair of sanitary and storm sewer lines .....	16,903	
Building 48		
Exterior and Interior Renovation .....	42,631	
Total Building Renovation and Additions .....		121,113
Contingencies and Technical Services .....		20,965
Representing Expenditures originally authorized under the provisions of Section 9.135, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.140, Conference Committee Substitute for House Bill No. 10, an act of the 79th General Assembly, First Regular Session		
From Revenue Sharing Trust Fund .....		\$255,200

## Section 13.330. Department of Mental Health

### For the Central Office

#### For Additions, Renovations & Rehabilitation—Existing Structures

To comply with standards for intermediate care facilities for the mentally retarded under provision of Title XIX of the Social Security Act as amended

Nevada State School and Hospital .....	3,613,976
Marshall State School and Hospital .....	2,433,600

From Revenue Sharing Trust Fund ..... \$6,047,576

Nevada State School and Hospital

From Federal Program Improvement Funds ..... \$1,136,744

Total ..... \$7,184,320

Representing expenditures originally authorized under the provisions of Section 1.060, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.335. Department of Mental Health

### For Farmington State Hospital

#### For Additions, Renovations & Rehabilitation—Existing Structures

Air Condition Hall Building .....	\$705,510
Air Condition Receiving Building .....	423,976

From Revenue Sharing Trust Fund ..... \$1,129,486

Representing expenditures originally authorized under the pro-

visions of Section 1.065, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.340. Department of Mental Health**

For Farmington State Hospital

For Additions, Renovations & Rehabilitation—Existing Structures

Air condition patients' cottages

Representing expenditures originally authorized under the provisions of Section 9.145, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.150, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$112,000

**Section 13.345. Department of Mental Health**

For Fulton State Hospital

For Physical Plant Improvements

Replace fire mains and condensate lines ..... 87,383

Fire and safety improvements in Geriatrics Buildings

I and II ..... 56,899

Replace air conditioning unit and renovate bath-

rooms ..... 15,143

Total Physical Plant Improvements

For Additions, Renovations & Rehabilitation—Existing Structures

Renovation of heating systems—Acute Hospital and Clinic .... 130,163

Representing expenditures originally authorized under the provisions of Section 9.150, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.155, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$289,588

**Section 13.350. Department of Mental Health**

For Fulton State Hospital

For Physical Plant Improvements

Utility Systems—

Replacement of fire and water mains at selected areas throughout the campus ..... \$94,640

Utility Systems—

Replacement of steam condensate return lines and associated pumps at selected areas on campus .... 87,360

From Revenue Sharing Trust Fund ..... \$182,000

Maintenance and Repair—

Repair roofs on ten buildings and sealcoat asphalt roadways in various locations.

From Anti-Recession Fiscal Assistance Fund ..... \$98,000

For Additions, Renovations & Rehabilitation—Existing Structures

# APPROPRIATIONS

147

Clinic and Acute Hospital Heating System—Phase II—	
Complete the renovation of heating system .....	196,000
Biggs Building—Heating System—	
Replace existing system with combination heating/ air conditioning .....	336,000
From Revenue Sharing Trust Fund .....	\$532,000
Total .....	\$812,000
Representing expenditures originally authorized under the provisions of Section 1.070, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

## Section 13.355. Department of Mental Health

For St. Joseph State Hospital

For Physical Plant Improvements—

Utility Systems/Replacements—

Including construction of manholes, heat controls at Park Building, electrical cabling to Staff Development and Progress Hall, new underground electrical service, removal and replacement of sinks, tubs and showers in Park and Woodson Buildings .....	\$57,859
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Roof Replacement—

Replace roofing insulation and flashing on Park Center and Cold Storage Building .....	99,008
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Utility Systems and Window Replacement—

Replace hot and cold water lines in Center North and Center South Buildings including sewer line replacement, and replace windows in original part of M and S Buildings .....	86,822
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Emergency Generator .....

89,600

Utility Systems—

Replace all hot water, cold water, steam and return lines in the Park Building .....	99,017
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Structural Repairs—

Structural modifications to existing warehouse .....	80,640
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From Revenue Sharing Trust Fund .....

\$512,946

For Physical Plant Improvements

General Repairs—Sandblast, tuckpoint and paint Progress and  
Staff Development Buildings

From Anti-Recession Fiscal Assistance Fund .....

\$99,429

Total Physical Plant Improvements .....

\$612,375

For Additions, Renovations & Rehabilitation—Existing  
Structures

Power Plant Improvements

Replace boiler, install fuel economizer and construct metal building for central control of maintenance supplies .....	399,840
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Fire Escapes—Vocational Building

Construct three enclosed fire escapes .....	336,000
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Renovate Woodson Building .....	1,351,504
Renovate Park Building .....	2,415,952
From Revenue Sharing Trust Fund .....	\$4,503,296
Total .....	\$5,115,671
Representing expenditures originally authorized under the provisions of Section 1.075, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

#### Section 13.360. Department of Mental Health

For St. Louis State Hospital

For Physical Plant Improvements

Replace fire escape stair assemblies .....	37,557
Update electrical system .....	45,343
Update plumbing system .....	58,364
Repair and replacements to masonry, concrete and asphalt paved areas .....	30,337

Total Physical Plant Improvements .....

171,601

For Additions, Renovations and Rehabilitation—Existing Structures

Replace and renovate elevators—Main Hospital Building .....

191,437

Total Additions, Renovations and Rehabilitation—

Existing Structures .....

191,437

For New Structures—Land Acquisition

Construction vehicle garage .....

81,860

Representing expenditures originally authorized under the provisions of Section 9.160, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.165, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....

\$444,898

#### Section 13.365. Department of Mental Health

For Malcolm Bliss Mental Health Center

For Physical Plant Improvements

Safety Programs/Replacements—

Reinforce fire exit walls, replace existing fire doors, renovate clothes dryer venting system, construct oxygen storage building and replace central tv antenna system .....

97,534

Utility Systems/Safety Programs—

Replace sewer lines in basement—Phase I.

Install security screens, install fire resistant metal shelving in various buildings, remove wall in Ground South treatment room and build in module clothing locker/desk combination .....

91,924

Replacements—

Replace 4,000 gallon hot water heater and windows in the patient areas in west side .....

99,120

# APPROPRIATIONS

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## Maintenance and Repair/Safety Items—

Install backflow preventers on water supply lines,  
lower ceilings in kitchen and nursing education  
classroom including new light fixtures. Renovate  
restrooms—2nd, 3rd and 4th floors and repair ter-  
razzo floors in various locations ..... 97,204

## Replacements—

Renovate serving kitchen—Ground South; install  
walk-in refrigerator and freezers; install stainless  
steel shelving; replace dishwashing system, food  
preparation equipment and install ice machines .. 98,552

Improvements—Gratten Street Parking Lot ..... 22,610

Total Physical Plant Improvements ..... \$506,944

## For Additions, Renovations & Rehabilitation—Existing Structures

### Utility Revisions—Heating and Cooling—

Install independent heating and cooling distribution piping  
in selected areas of the building ..... 224,000

From Revenue Sharing Trust Fund ..... \$730,944

Representing expenditures originally authorized under the pro-  
visions of Section 1.085, Conference Committee Substitute for  
House Bill No. 1, an Act of the 79th General Assembly, First Ex-  
traordinary Session

## Section 13.370. Department of Mental Health

### For Malcolm Bliss Mental Health Center

#### For Physical Plant Improvements

Safety programs, Maintenance/Replacements and Re-  
pair ..... 26,376

Install central temperature control system ..... 28,218

Utility revision—heating and cooling distribution ..... 69,405

Representing expenditures originally authorized under the pro-  
visions of Section 9.165, Conference Committee Substitute No. 2  
for House Bill 1009, an Act of the 78th General Assembly, Sec-  
ond Regular Session and provisions of Section 10.170, Confer-  
ence Committee Substitute for House Bill No. 10, an Act of the  
79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$123,999

## Section 13.375. Department of Mental Health

### For Western Missouri Mental Health Center

#### For Physical Plant Improvements

Complete South Building air conditioning system ..... 57,424

Replace window frames—East and West Wings ..... 37,528

Install storm water sewer and resurface parking area ... 25,847

Renovation—second and third floor of South Building  
(PRC) ..... 14,134

Total Physical Plant Improvements ..... 134,933

## For Additions, Renovations and Rehabilitation—Existing Structures

Renovate South Building (PRC)—Phase IV ..... 238,917

Representing expenditures originally authorized under the pro-

visions of Section 9.175, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.180, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$373,850

**Section 13.380. Department of Mental Health**  
**For Mid-Missouri Mental Health Center—**  
**For Physical Plant Improvements**  
**Safety Programs—**

Modify fire alarm system; replace stair treads, safety ramp pads; service and test fire extinguishers; install exhaust vacuum system in maintenance area and install patient monitoring equipment	
From Revenue Sharing Trust Fund .....	\$34,271
Physical Plant Improvements	
Maintenance/Repair—	
Repair cooling towers; recalibrate air handling control systems, repair roofs and install floor covering and drapes in patient bedrooms, waiting and consultation rooms	
From Anti-Recession Fiscal Assistance Fund .....	\$64,736
<b>Total .....</b>	<b>\$99,007</b>

Representing expenditures originally authorized under the provisions of Section 1.090, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.385. Department of Mental Health**  
**For Western Missouri Mental Health Center**  
**For Physical Plant Improvements**

Air Conditioning Unit Inspection .....	\$3,360
For Additions, Renovations & Rehabilitation—Existing Structures	
Provision Area—	
Construct a warehouse adjoining the existing Center Building .....	142,240
Renovation of South Building—Phase 5—	
Complete replacement of the heating system, radiators, fan coil units and controls .....	270,043
Elevator Renovation—	
Replace elevator controls, motors and cables .....	156,800
Air Conditioning—	
Cooling system on ground and basement floors including ceiling replacement and duct additions on 1st floor .....	168,000
From Revenue Sharing Trust Fund .....	\$740,443
Representing expenditures originally authorized under the provisions of Section 1.095, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

**Section 13.390. Department of Mental Health**

**For Higginsville State School and Hospital**

**For Physical Plant Improvements**

**Utility/Equipment/Repairs—**

Connect sewer system to City of Higginsville, install swimming pool heating equipment, replace gas pumping equipment, replace gas lines and repair fire alarm system ..... \$99,430

**Roadways/General Repairs—**

Widen and resurface drive from Administration Building to City Route 13. Replace dock approaches at all cottages and construct dock on E-2 Cottage. Construct parking lot and install air circulating system for natatorium ..... 99,680

**From Anti-Recession Fiscal Assistance Fund ..... \$199,110**

**For Additions, Renovations & Rehabilitation—Existing Structures**

**Air Conditioning—**

Provide central air conditioning for A Cottage

**From Revenue Sharing Trust Fund ..... 184,800**

**Total ..... \$383,910**

Representing expenditures originally authorized under the provisions of Section 1.100, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.395. Department of Mental Health**

**For Marshall State School and Hospital**

**Construct Group Homes for the Developmentally Disabled ..... 440,795**

Representing expenditures originally authorized under the provisions of Section 9.310, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session, and Section 9.270, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session, and Section 9.125, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.425, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

**From Revenue Sharing Trust Fund ..... \$440,795**

**Section 13.400. Department of Mental Health**

**For Marshall State School and Hospital**

**For Additions, Renovations and Rehabilitation—Existing Structures**

**Update Electrical System ..... 75,395**

Representing expenditures originally authorized under the provisions of Section 9.185, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.190, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

**From Revenue Sharing Trust Fund ..... \$75,395**

**Section 13.405. Department of Mental Health****For Marshall State School and Hospital****For Physical Plant Improvements****Power Plant**

Repair and renovate boiler #3 ..... \$99,680

**Roof Repairs and Replacements—**Replace or repair roofing, flashing and guttering on  
Cottages 1 and 2, maintenance shop, power plant  
and boiler plant and renovation of elevators .... 53,251**General Repairs—**Review warning systems, tuckpoint and waterproof  
power plant, power plant stack, Cottage 1,  
Cottage 2, Cottage 6 and entrance to Administra-  
tion Building. Also, reinsulate piping in power  
plant, repair boiler controls, replace hot water  
pump, chemical feed pump and replace water  
softener tanks and air compressor unit ..... 60,104

From Anti-Recession Fiscal Assistance Fund ..... \$213,035

**For Additions, Renovations & Rehabilitation—Existing  
Structures****Renovation Cottage 1—**Windows, rebuilding concrete porch, renovating heat-  
ing/cooling system and general interior renova-  
tions ..... 212,800**Power Plant Renovation—**New high voltage switching, service entrance, high  
voltage feeder circuit, transformers and general  
rewiring to meet code requirements in Buildings  
A through G and the school building ..... 220,810

From Revenue Sharing Trust Fund ..... \$433,610

**Total** ..... **\$646,645**Representing expenditures originally authorized under the pro-  
visions of Section 1.105, Conference Committee Substitute for  
House Bill No. 1, an Act of the 79th General Assembly, First  
Extraordinary Session**Section 13.410. Department of Mental Health****For Marshall State School and Hospital****For construction of one duplex living unit**

From Revenue Sharing Trust Fund ..... \$275,000

Representing expenditures originally authorized under the pro-  
visions of Section 1.106, Conference Committee Substitute for  
House Bill No. 1, an Act of the 79th General Assembly, First  
Extraordinary Session**Section 13.415. Department of Mental Health****For Nevada State School and Hospital****For Physical Plant Improvements****Roof Repairs—**

Repair roofs and guttering on Sections I, II and III .. \$81,452

## Roofing/Tuckpointing—

Tuckpoint and repair roofs on Center, Rush, Fire-house and all surgical kitchen buildings ..... 99,680

From Anti-Recession Fiscal Assistance Fund ..... \$181,132

## For Additions, Renovations &amp; Rehabilitation—Existing Structures

## Electrical Renovation—

Electrical rewiring in the Center, Cafeteria and Auditorium Buildings ..... 272,245

## Replace Laundry Equipment—

Replace laundry clothes dryer and sheet folder ..... 78,500

## General Repairs—Section IV—

Replace windows, screens and doors, install safety stair treads and replace gymnasium floor ..... 278,412

From Revenue Sharing Trust Fund ..... \$629,157

Total ..... \$810,289

Representing expenditures originally authorized under the provisions of Section 1.110, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.420. Department of Mental Health

## For St. Louis State Hospital

## For Physical Plant Improvements

## Safety Programs—

Replace fire escape on Main Hospital ..... 77,280

## Sprinkler System—

Fire sprinklers in Main Hospital Building ..... 99,680

## Utility Systems—

Repair or replace central cooling tower on Main Hospital and Kohler Building ..... 50,000

From Revenue Sharing Trust Fund ..... \$226,960

## For Physical Plant Improvements

## Roof Repairs—

Repair or replace roofing, flashing, guttering and cornices on Main Hospital Building and power house

From Anti-Recession Fiscal Assistance Fund ..... \$99,680

## For Physical Plant Improvements

## Boiler Replacement

From General Revenue Fund ..... 287,000

Total Physical Plant Improvements ..... \$613,640

## For Additions, Renovation &amp; Rehabilitation—Existing Structures

## Renovate Adult Psychiatric Wards

Complete renovation of four wards located in "D" and "E" Sections of Main Hospital Building including necessary movable equipment ..... 246,400

## Renovate "K" Building—

Complete air conditioning ductwork and provide

general renovations for hospital out-patient services .....	175,000	
From Revenue Sharing Trust Fund .....		\$421,400

Total .....		\$1,035,040
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Representing expenditures originally authorized under the provisions of Section 1.680, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.425. Department of Mental Health**

For St. Louis State School and Hospital

Construct Group Homes for the Developmentally Disabled .....		\$473,678
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Representing expenditures originally authorized under the provisions of Section 9.320, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session, and expenditures originally authorized under the provision of section 16.250, Conference Committee Substitute for House Bill No. 1016, an Act of the 77th General Assembly, Second Regular Session, and Section 9.280, Conference Committee Substitute for House Bill No. 1009, an Act of the 77th General Assembly, Second Regular Session, and Section 9.135, Conference Committee Substitute for House Bill No. 9, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.430, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....		\$473,678
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**Section 13.430. Department of Mental Health**

For St. Louis State School and Hospital

For Additions, Renovations and Rehabilitation—Existing Structures

Renovate 26 buildings for Title XIX Compliance .....	294,800	
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Representing expenditures originally authorized under the provisions of Section 9.195, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.200, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Federal (Program Improvement) Funds .....		\$294,800
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**Section 13.435. Department of Mental Health**

For St. Louis State School and Hospital

For Physical Plant Improvements

General Repairs—

Replace feed water heater, softener equipment, air compressors and dishwasher, renovate two bathrooms in Donnelly Building, and construct four outdoor patio shelters for residents .....		\$95,536
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Safety Items—

Install sidewalks and ramps where necessary throughout the institutional grounds .....		56,095
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**Roof Repairs—**

Repair roofs on buildings throughout the campus .... 120,910

**Painting—**

Paint exterior woodwork on all buildings ..... 60,000

For Additions, Renovations and Rehabilitations

Extensions to Elliott Building including a service road .. 108,960

From Revenue Sharing Trust Fund ..... \$441,501

Representing expenditures originally authorized under the provisions of Section 1.115, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.440. Department of Mental Health**

For Albany Regional Center for Developmentally Disabled

For Physical Plant Improvements

**General Repairs—**

Replace emergency lights, repair roofs, driveways  
and modify bathrooms for the handicapped ..... \$18,032

**Day Room—**

Expand day room areas, including necessary heating,  
lighting and ventilation ..... 26,880

From Revenue Sharing Trust Fund ..... \$44,912

Representing expenditures originally authorized under the provisions of Section 1.120, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.445. Department of Mental Health**

For Hannibal Regional Center for Developmentally Disabled

For Physical Plant Improvements

Complete Playground Surfacing ..... \$5,000

Walk and Retaining Wall Repair ..... 3,000

**Safety Items—**

Install guide rails, hand bars and partitions to assist  
physically handicapped in using bath and rest-  
room facilities ..... 4,000

From Revenue Sharing Trust Fund ..... \$12,000

Representing expenditures originally authorized under the provisions of Section 1.125, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

**Section 13.450. Department of Mental Health**

For Joplin Regional Center for Developmentally Disabled

For Physical Plant Improvements

**Additions—Renovations—**

Construct approximately 1,400 square feet of building addition

From Revenue Sharing Trust Fund ..... \$93,587

Representing expenditures originally authorized under the provision of Section 1.130, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session



<b>Section 13.455. Department of Mental Health</b>	
For Kansas City Regional Center for Developmentally Disabled	
For Physical Plant Improvements	
Furnishings and Equipment—	
Purchase dental equipment .....	\$53,760
Safety Programs/Renovations—	
Install artificial turf on playgrounds, install facilities for handicapped in bathrooms, repair roofs and construct entrance canopy .....	41,793
From Revenue Sharing Trust Fund .....	\$95,553
Representing expenditures originally authorized under the provisions of Section 1.135, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

<b>Section 13.460. Department of Mental Health</b>	
For Kirksville Regional Center for Developmentally Disabled	
For Physical Plant Improvements	
General Repairs—	
Renovate restrooms to provide access for the handicapped and provide water coolers accessible to the handicapped .....	\$5,600
Building/Land Improvements—	
Replace chimney, replace front entrance paving, replace broken parking blocks with continuous curb, and, provide additional playground areas .....	11,200
Floor Covering—	
Install floor covering in four classrooms, client library and materials center .....	4,570
From Revenue Sharing Trust Fund .....	\$21,370
Representing expenditures originally authorized under the provisions of Section 1.140, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

<b>Section 13.465. Department of Mental Health</b>	
For Poplar Bluff Regional Center for Developmentally Disabled	
For Physical Plant Improvements	
Maintenance/Repair—	
Renovate bathrooms and repair roof	
From Revenue Sharing Trust Fund .....	\$13,261
Representing expenditures originally authorized under the provisions of Section 1.145, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

**Section 13.470. Department of Mental Health**  
 For Rolla Regional Center for Developmentally Disabled  
 For Physical Plant Improvements

Renovations—

Renovate bathrooms to provide for the handicapped ..	\$4,480
Driveways/Parking Lots—	
Repair or resurface drives and parking lots .....	19,936
Air Conditioning—	
Install air conditioning units in present ductwork ....	8,736

From Revenue Sharing Trust Fund .....	\$33,152
Representing expenditures originally authorized under the provisions of Section 1.150, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

Section 13.475. Department of Mental Health

For Springfield Regional Center for Developmentally Disabled

For Physical Plant Improvements

Renovations—

Renovate day room, bathrooms, hallways and dormitory .....	16,800
Building Addition—	
Add approximately 400 square feet to existing building for testing and interviewing rooms including necessary equipment .....	18,051

From Revenue Sharing Trust Fund .....	\$34,851
Representing expenditures originally authorized under the provisions of Section 1.160, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	

Section 13.480. Department of Mental Health

For Community Mental Health and Mental Retardation Construction

St. Francis Community Mental Health Center—Cape Girardeau .....	\$87,480
Mark Twain Mental Health Center—Hannibal .....	42,462
Kansas City Regional Diagnostic Center .....	16,166
For Contingencies as Construction Progresses .....	36,028
Representing expenditures originally authorized under the provisions of Section 16.540, Conference Committee Substitute for House Bill No. 16, an Act of the 79th General Assembly, First Regular Session and provisions of Section 10.525, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	

From Federal Funds .....	\$182,136
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Section 13.485. Department of Mental Health

For the Central Office

For Title XIX compliance

Higginsville State School and Hospital .....	\$256,898
Nevada State School and Hospital .....	5,891,795

Marshall State School and Hospital .....	2,511,329
(Includes \$187,200 for planning the Education Therapy Building)	
St. Louis State Hospital .....	216,127
Representing expenditures originally authorized under the provisions of Section 9.140, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.145, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Federal (Program Improvement) Funds .....	\$8,876,149
 Section 13.490. Department of Social Services	
For Central Office	
For Physical Plant Improvements	
Emergency Contingencies-Statewide	
From Revenue Sharing Trust Fund .....	\$100,000
Representing expenditures originally authorized under the provisions of Section 1.165, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
 Section 13.491. Department of Social Services	
For Division of Health	
For Missouri State Chest Hospital	
For Physical Plant Improvements	
Waterproofing—	
Replace roofs on the medical dormitory, and laundry buildings, and tuckpoint medical building. ....	\$109,088
Safety Programs—	
Construct spray painting booth and provide general exterior lighting of streets and parking lots .....	15,000
From Revenue Sharing Trust Fund .....	\$124,088
For Physical Plant Improvements	
Maintenance and Repair—	
Install air handler units in various locations, renovate air conditioning system in operating rooms and install door hardware in Infirmary Building	
From Anti-Recession Fiscal Assistance Fund .....	\$42,100
For Additions, Renovations & Rehabilitation—Existing Structures	
Fire and Safety—	
Fire Truck and construction of fire station building ..	50,000
Utility Revisions—	
750,000 gallon water tower, including renovation to existing distribution system and replacement of ancillary equipment .....	336,000
From Revenue Sharing Trust Fund .....	\$386,000
Total .....	\$552,188
Representing expenditures originally authorized under the pro-	

# APPROPRIATIONS

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visions of Section 1.170, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.495. Department of Social Services

For Division of Health

For Ellis Fischel State Cancer Hospital

For Physical Plant Improvements

Lighting Arrestor System .....	21,280
Replace floor covering on Surgical Patient Floor ....	20,720

From Revenue Sharing Trust Fund .....	\$42,000
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Representing expenditures originally authorized under the provisions of Section 1.175, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.500. Department of Social Services

For Division of Veterans' Affairs

For State/Federal Soldiers' Home

For Physical Plant Improvements

Maintenance and Repair—

Replace windows in two solaria and install electrical heat .....	\$6,406
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Window Replacement—

Replace windows and screens in dormitories with thermowindows .....	23,890
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Bath Facilities—Men's Dormitory—

Modification of Men's Dormitory allowing half-baths between each two rooms, and construction of two nursing stations contingent on the Veterans' Administration participation of 65% of the cost ....	524,160
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For New Structures—Land Acquisition—

Equipment Storage Building—

Construct a building for storage of vehicles, including an Automotive Repair Shop .....	10,000
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From Revenue Sharing Trust Fund .....	\$569,456
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Representing expenditures originally authorized under the provisions of Section 1.180, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.505. Department of Social Services

For the Division of Veterans Affairs—

State/Federal Soldiers' Home

For Physical Plant Improvements

Install standby electric generating plant .....	\$10,080
Install chain link security fence along Highway I44 ..	16,000
Install storm sewer, curbing, guttering and sidewalks, and resurface street and parking area .....	55,203

Total Physical Plant Improvements .....	\$81,283
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Representing expenditures originally authorized under the provisions of Section 9.260, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.210, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....	\$65,283
From State Highway Department Fund .....	16,000
<b>Total .....</b>	<b>\$81,283</b>

**Section 13.510. Department of Social Services**

For the Division of Veterans Affairs—

State/Federal Soldiers' Home

For planning and construction of a Dietary Kitchen and Dining Room

Representing expenditures originally authorized under the provisions of Section 9.262, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.215, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund .....	\$809,698
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**Section 13.515. Department of Social Services**

For Division of Youth Services

For Physical Plant Improvements

Utility Systems—Training School for Girls—

Air Conditioning for Park Cottage ..... \$56,000

General Repairs—

Replace fuse boxes, wiring, and install security screens, surface parking lot and playground, tuckpoint building and install floor tile in gym at the Hogan Street Youth Center ..... 12,320

Maintenance/Repair—

Make necessary miscellaneous repairs throughout the existing facilities at the Training School for Boys . 88,088

General Repairs—Training School for girls—

Replacement of windows at Hyde School, replace front steps and doorways on Hyde School and replace doors at Stark Cottage ..... 50,400

Maintenance/Repair—Training School for Boys—

Provide floor covering, replace water lines, renovate bathrooms, and repair sewer lines in John J. Pershing School ..... 67,760

Kitchen Repair—Training School for Boys—

Repair water lines, sewer lines, bathroom areas, and repair refrigeration units ..... 76,229

From Revenue Sharing Trust Fund .....	\$350,797
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Representing expenditures originally authorized under the provisions of Section 1.190, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session .

# APPROPRIATIONS

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## Section 13.520. Department of Social Services

For the Division of Youth Services—Training School for Girls

Repairs, replacements and additions to existing facilities ..... \$49,298

Elimination of fire hazards and safety improvements ..... 24,918

Representing expenditures originally authorized under the provisions of Section 9.230, Conference Committee Substitute for House Bill No. 9, an Act of the 77th General Assembly, First Regular Session and provisions of Section 10.480, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$74,216

## Section 13.525. Department of Social Services

For the Division of Health—Missouri State Chest Hospital

For Additions, Renovations and Rehabilitation—Existing Structures

One house and furnishing for resident doctors ..... \$57,932

and provisions of Section 10.205, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$57,932

## Section 13.530. Department of Social Services

For the Division of Corrections—Central Office

For Physical Plant Improvements

Upgrade sewage disposal systems—statewide Phase II ..... \$103,496

and provisions of Section 10.220, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$103,496

## Section 13.535. Department of Social Services

For the Division of Corrections—Missouri State Penitentiary for Men

For Physical Plant Improvements

Install new ice machines and refrigeration units .... \$178,963

Central air conditioning—

Administration Building and Hospital—Phase II ..... 210,946

Total Physical Plant Improvements ..... \$389,909

Representing expenditures originally authorized under the provisions of Section 9.270, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.225, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From Revenue Sharing Trust Fund ..... \$389,909

## Section 13.540. Department of Social Services

For the Division of Corrections

Renovation of cold storage unit at the Missouri State Penitentiary

Representing expenditures originally authorized under the provisions of Section 16.820, Conference Committee Substitute for House Bill 16, an Act of the 79th General Assembly, First Regular Session and provisions of Section 10.545, Conference Com-

mittee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Revenue Sharing Trust Fund .....	\$32,178
<b>Section 13.543. Department of Social Services</b>	
For the Division of Corrections	
For renovation at Church Farm including utility systems, converting dormitories to rooms, and converting the gymnasium to education and office space	
From Federal Funds .....	\$1,000,000
Representing expenditures originally authorized under the provisions of Section 14.230, Conference Committee Substitute for House Bill 1014, an Act of the 79th General Assembly, Second Regular Session	
<b>Section 13.545. Department of Social Services</b>	
For Division of Corrections	
For Physical Plant Improvements	
New Boiler—Fordland Honor Camp .....	\$66,473
Roof Repairs—Phase I—	
Roof repairs of existing buildings at Algoa, Church Farm, Missouri State Penitentiary, Moberly, and Renz Farm and replacement of siding on staff houses at Fordland .....	112,000
Road Resurfacing—Division Wide—Phase I—	
For patching, sealing, and repaving where necessary, existing pavement, and pave or resurface other existing gravel roads with the institutions of the Division of Corrections .....	50,000
For Additions, Renovations & Rehabilitation—Existing Structures—	
Segregation Dormitory—Algoa—	
Renovate administrative and disciplinary segregation dormitory to provide adequate heating, ventilation, and plumbing facilities .....	112,000
Steam Distribution System—Missouri State Penitentiary—	
Last phase renovation of the steam distribution system .....	224,000
Phase III Renovation—Sewage Disposal Systems—	
To upgrade existing sewage disposal systems throughout the Division .....	168,000
Kitchen and Dormitories—Tipton—	
Replace kitchen/dining room floors, two cooking ranges, one stack oven, dishwasher, freezer, cooler, ice-making machine, garbage disposal, grease trap, and air conditioning, and renovate inmate dormitories .....	156,800
Rehabilitate Elevators—	
Renovate the existing elevators at the Missouri State Penitentiary and one freight elevator at Church Farm .....	168,000
Heating Lines—Moberly—	
Begin a phased renovation of the high temperature hot water heating lines .....	168,000

## For new structures—

For design, development and construction of a medium security prison for at least 500 inmates, including site acquisition in St. Louis City, St. Louis County or Washington County ... 24,259,420

For renovation and new construction to create a maximum security area within Missouri State Penitentiary to provide 464 cells with capacity to isolate 564 inmates. Construction includes buildings for the education program, a chapel and an all purpose building for the maximum security area. Renovation includes electrical systems, fencing, roadways, site utilities, outside recreation area, hospital security, roof repair and construction of 104 additional cells ..... 6,676,500

For renovation and new construction at Church Farm to provide a minimum security facility for 200 inmates and a medium security facility for 420 inmates. New construction includes dormitory accommodations for 200 additional inmates, an all purpose building and new buildings within a medium security area. Renovation includes utility systems, converting dormitories to rooms and converting gymnasium to education and office space ..... 3,500,000

For new construction at Renz Correctional Center to accommodate 50 inmates ..... 90,000

For new construction at the State Correctional Pre-Release Center (Tipton) to accommodate 50 inmates and to provide a new activities building ..... 252,000

## For New Structures—Land Acquisition

Recreation Field Complex—Algoa

For excavating, grading, finishing, and for guard tower ..... 93,300

From General Revenue ..... \$15,069,493

From Revenue Sharing Trust Fund ..... \$21,027,000

Total ..... \$36,096,493

Representing expenditures originally authorized under the provisions of Section 1.185, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.548. Department of Social Services

For the Division of Corrections

For new construction at the Missouri Training Center for Men (Moberly) to accommodate 100 inmates

From General Revenue ..... \$620,000

Representing expenditures originally authorized under the provisions of Section 1.185, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

## Section 13.550. Department of Consumer Affairs, Regulation and Licensing

For the Division of Tourism

For construction of a tourist information center to be located in Northeast Missouri ..... \$200,000



For construction of a tourist information center to be located in Northwest Missouri .....	80,000
From Revenue Sharing Trust Fund .....	\$280,000
Representing expenditures originally authorized under the provisions of Section 1.036, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session	
<b>Section 13.555. Department of Consumer Affairs, Regulation and Licensing</b>	
<b>For the Division of Tourism</b>	
<b>For Tourist Information Center—Jackson County</b>	
Building Construction, major fixed equipment and moveable equipment, Technical services and contingencies.	
(This appropriation is contingent upon the donation of the site from Jackson County to the State of Missouri)	
Representing expenditures originally authorized under the provisions of Section 9.097, Conference Committee Substitute No. 2 for House Bill 1009, an Act of the 78th General Assembly, Second Regular Session	
From Revenue Sharing Trust Fund .....	\$279,437.50
<b>Section 13.560. Department of Transportation</b>	
All allotments, grants and contributions of funds from the federal government or from any other source which may be received and deposited in the State Treasury for the use of the Department of Transportation.	
Representing expenditures authorized under the provisions of Section 4.770, Conference Committee Substitute for House Bill No. 4, an Act of the 78th General Assembly, First Regular Session and provisions of Section 10.550, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Federal Funds and Other Sources .....	\$134,000
<b>Section 13.565. Department of Transportation</b>	
<b>For Grant under Section 5 of the National Mass Transportation Assistance Act of 1974 for funds for small urbanized areas .....</b>	
	\$2,300,000
<b>For Grant from the U.S. Department of Transportation for rail planning, research and primarily rail service preservation projects ..</b>	
	2,850,000
Representing expenditures originally authorized under the provisions of Section 4.993, Conference Committee Substitute for House Bill No. 1004, an Act of the 78th General Assembly, Second Regular Session and provisions of Section 10.555, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session	
From Federal Funds .....	\$5,150,000
<b>Section 13.568. To the Department of Transportation</b>	
<b>For Capital improvement grants under Section 16 (b) (2) of the Urban Mass Transportation Act of 1964 as amended to assist private, non-profit organizations in improving public transportation for the state's elderly and handicapped</b>	

Representing expenditures originally authorized under provisions of Section 4.996, Conference Committee Substitute for House Bill No. 1004, an Act of the 79th General Assembly, First Session	
From Federal and Other Funds .....	\$619,048
Representing expenditures originally authorized under the provisions of Section 10.515, Conference Committee Substitute for House Bill No. 1010, an Act of the 79th General Assembly, First Session	
From Federal Funds .....	57,000
Total .....	<u>\$676,048</u>

#### Section 13.570. Department of Transportation

For the Missouri-St. Louis Metropolitan Airport Authority

For purchase of land for a new major airport near the St. Louis Metropolitan Area in the State of Missouri. This appropriation shall not become effective until approval of a Missouri airport site by the Federal Aviation Administration

Representing expenditures originally authorized under the provisions of Section 16.930, Senate Committee Substitute for House Bill No. 1016, an Act of the 76th General Assembly, Second Regular Session and provisions of Section 10.490, Conference Committee Substitute for House Bill No. 10, an Act of the 79th General Assembly, First Regular Session

From General Revenue ..... \$1,725,000

#### Section 13.575. To the Department of Labor and Industrial Relations

For the Division of Employment Security

All funds credited to the account of the State of Missouri in the Federal Unemployment Trust Fund pursuant to the provisions of Section 903 of the Social Security Act, as amended, for the purchase of lands and buildings and for the construction of office buildings for the use of the Division, together with the installation of utilities and the paving of parking areas; provided, that the amount which may be obligated during the twelve month period beginning July 1, 1978 and ending June 30, 1979 shall not exceed the amount by which the aggregate of the amounts credited to the state's account in the Federal Unemployment Trust Fund under Section 903 of the Social Security Act during such period and the twenty-four preceding twelve month periods exceeds the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the state's account during such twenty-five twelve month periods, provided, further, that no amount appropriated hereby shall be requisitioned from the state's account in the Federal Unemployment Trust Fund or obligated until after the date on which this act becomes law, or July 1, 1978, whichever is later

From Unemployment Compensation Administration Fund ..... \$138,262

Representing expenditures originally authorized under the provisions of Section 4.860, Conference Committee Substitute for

House Bill No. 4, an Act of the 79th General Assembly, First Regular Session

**Section 13.580. To the Office of Administration**

For the Missouri Courts of Appeals--Kansas City District

For feasibility studies and preliminary planning and negotiation, to develop a recommendation to the Missouri General Assembly by January 16, 1978 for the best method of obtaining new space for the Missouri Court of Appeals--Kansas City District

From Revenue Sharing Trust Fund ..... \$50,000

Representing expenditures originally authorized under the provisions of Section 1.023, Conference Committee Substitute for House Bill No. 1, an Act of the 79th General Assembly, First Extraordinary Session

Approved May 4, 1978.

[C. C. S. H. B. 1014]

**APPROPRIATIONS: Emergency and supplemental purposes for departments and officers of state government.**

AN ACT to appropriate money for emergency and supplemental purposes for the several departments and officers of state government, and for the payment of various claims for refunds, for persons, firms and corporations, and for other purposes, from the funds designated for the fiscal period ending June 30, 1978, and for prior years.

Be it enacted by the General Assembly of the State of Missouri, as follows:

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated for the fiscal period ending June 30, 1978, and for prior years.

**Section 14.005. To the Department of Elementary and Secondary Education**

For distribution to agencies providing skill training programs under the Comprehensive Employment and Training Act

From Federal Funds ..... \$5,000,000

**Section 14.010. To the Department of Elementary and Secondary Education**

For Career and Adult Education

Personal Service ..... \$23,080

Equipment Purchase and Repair ..... 3,355

Operation ..... 6,983

From Federal Funds ..... \$33,418

**Section 14.015. To the Department of Revenue**

For the state's share of the cost of assessing and collecting the revenue

From General Revenue Fund ..... \$1,660,154E

**Section 14.020. To the Department of Revenue**

For paying refunds for overpayment or erroneous payment of any tax or payment which is credited to the General Revenue Fund

From General Revenue Fund ..... \$8,120,000E

# APPROPRIATIONS

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## Section 14.025. To the Department of Revenue

### For the Division of Taxation

Personal Service .....	\$111,828
Equipment Purchase and Repair .....	8,095
Operation .....	65,000

From General Revenue Fund ..... 184,923

Personal Service ..... 14,103

Operation ..... 3,946

From Highway Funds ..... 18,049

Total ..... \$202,972

## Section 14.030. To the Department of Revenue

### For the Highway Reciprocity Commission

#### Personal Service

From Federal Funds ..... \$8,500

## Section 14.035. To the Department of Revenue

### For the State Tax Commission

#### Personal Service

From General Revenue Fund ..... \$15,924

## Section 14.036. To the Department of Revenue

### For the State Tax Commission

For the purchase of aerial maps of the State of Missouri from the  
U.S. Department of Agriculture, for distribution to and use by  
the various county assessors or township assessors

From General Revenue Fund ..... \$150,000

## Section 14.040. To the Office of Administration

For apportionment to the several counties and the City of St. Louis  
all amounts accruing to the General Revenue Fund from the  
County Private Car Tax

From General Revenue Fund ..... \$100,000

## Section 14.045. To the Office of Administration

For apportionment to the several counties and the City of St. Louis  
all amounts accruing to the General Revenue fund from the  
County Stock Insurance Tax

From General Revenue Fund ..... \$165,784

## Section 14.050. To the Office of Administration

To reimburse the governing body of all counties without a charter  
form of government and all cities not within a county for the  
payment of additional compensation to prosecuting attorneys in  
those cities and counties for the performance of additional duties  
imposed by H.B. 601, Seventy-Ninth General Assembly, First  
Regular Session

From General Revenue Fund ..... \$175,000

## Section 14.055. To the Office of Administration

To pay the claims approved by the county courts for the payment  
of the costs in criminal cases, except payment of attorneys fee,  
and for the transportation of convicted criminals to the state

penitentiaries as well as the costs for reimbursement of the expenses associated with extradition	
From General Revenue Fund .....	\$300,000
<b>Section 14.060. To the Governor</b>	
For participation by the State of Missouri in the Southern Interstate Nuclear Board	
From General Revenue Fund .....	\$12,500
<b>Section 14.065. To the State Treasurer</b>	
For the purchase of an investment advisory computer software package	
From General Revenue Fund .....	\$65,000
<b>Section 14.068. To the Commission on Retirement, Removal, and Discipline of Judges</b>	
For payment of expenses of the Commission	
From General Revenue Fund .....	\$12,000
<b>Section 14.070. To the Supreme Court</b>	
Personal Service .....	\$80,900
Operation .....	66,294
From General Revenue Fund .....	\$147,194
<b>Section 14.075. To the Court of Appeals—St. Louis District</b>	
Personal Service .....	\$148,000
Equipment Purchase and Repair .....	9,000
Operation .....	10,200
From General Revenue Fund .....	\$167,200
<b>Section 14.080. To the Court of Appeals—Kansas City District</b>	
Personal Service .....	
From General Revenue Fund .....	\$47,250
<b>Section 14.083. To the Court of Appeals—Kansas City District</b>	
Expense and Equipment .....	
From General Revenue Fund .....	\$5,672
<b>Section 14.085. To the Court of Appeals—Springfield District</b>	
Personal Service .....	
From General Revenue Fund .....	\$33,750
<b>Section 14.090. To the Supreme Court</b>	
For payment of salaries and expenses for Magistrate Judges and Clerks	
From General Revenue Fund .....	\$868,989
<b>Section 14.095. To the Supreme Court</b>	
For payment of salaries and expenses of circuit judges	
From General Revenue Fund .....	\$843,600
<b>Section 14.100. To the Supreme Court</b>	
For payment of salaries and expenses for court reporters	
From General Revenue Fund .....	\$5,925

# APPROPRIATIONS

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<b>Section 14.105. To the Supreme Court</b>	
For payment of salaries of juvenile officers	
From General Revenue Fund .....	\$63,025
<b>Section 14.106. To the Public Defender Commission</b>	
For Appointed Counsel Payments	
From General Revenue Fund .....	\$223,745
<b>Section 14.107. To the Attorney General</b>	
For the Professional Liability Review Board	
Operation	
From the Professional Liability Review Board Fund .....	\$374,240
<b>Section 14.110. To the Department of Natural Resources</b>	
For the Division of Geology and Land Survey	
Personal Service	
From General Revenue Fund .....	\$3,565
<b>Section 14.115. To the Department of Natural Resources</b>	
For the Division of Geology and Land Survey program of Coopera-	
tive Control Extension and Corner Records Restoration	
From Federal and Other Sources .....	\$18,100
<b>Section 14.120. To the Department of Consumer Affairs, Regu-</b>	
lation and Licensing	
For the Board of Registration for the Healing Arts	
Equipment Purchase and Repair and Operation	
From General Revenue Fund .....	\$4,225
<b>Section 14.125. To the Department of Consumer Affairs, Regu-</b>	
lation and Licensing	
For the Neighborhood Assistance Program	
Personal Service .....	
Equipment Purchase and Repair .....	
Operation .....	
	<hr/>
From General Revenue Fund .....	\$7,373
<b>Section 14.130. To the Department of Consumer Affairs, Regula-</b>	
tion and Licensing	
For the Commission on Human Rights	
Personal Service .....	
Equipment Purchase and Repair .....	
Operation .....	
	<hr/>
From Federal Funds .....	\$45,655
<b>Section 14.135. To the Department of Labor and Industrial Re-</b>	
lations	
For Departmental Administrative Services	
Personal Service	
From General Revenue Fund .....	\$8,000
From Unemployment Compensation Administration Fund .....	8,000
From Workmen's Compensation Fund .....	8,000
	<hr/>
Total .....	\$24,000

<b>Section 14.140. To the Department of Labor and Industrial Relations</b>	
<b>For the Division of Employment Security</b>	
Personal Service .....	\$3,604,440
Operation .....	16,750,714
<b>From Unemployment Compensation Administration Fund .....</b>	<b>\$20,355,154</b>
<b>Section 14.145. To the Department of Labor and Industrial Relations</b>	
<b>For the Board of Mediation</b>	
Personal Service	
<b>From General Revenue Fund .....</b>	<b>\$7,500</b>
<b>Section 14.150. To the Department of Highways</b>	
Personal Service	
<b>From Highway Funds .....</b>	<b>\$114,143</b>
<b>Section 14.155. To the Department of Public Safety</b>	
<b>For the Highway Patrol</b>	
Personal Service	
From Highway Funds .....	\$30,342
From General Revenue Fund .....	19,958
From Federal Funds .....	8,064
From Highway Funds .....	218,290
<b>Total .....</b>	<b>\$276,654</b>
<b>Section 14.160. To the Department of Public Safety</b>	
<b>For the Missouri State Highway Patrol</b>	
<b>To supplement funds previously appropriated for the construction of a new garage at Troop I—Rolla</b>	
<b>From Highway Funds .....</b>	<b>\$10,000</b>
<b>Section 14.165. To the Department of Public Safety</b>	
<b>For the Missouri State Highway Patrol</b>	
<b>For emergency repairs to a boiler at the Law Enforcement Training Academy in Jefferson City</b>	
<b>From Highway Funds .....</b>	<b>\$9,800</b>
<b>Section 14.170. To the Department of Public Safety</b>	
<b>For the Disaster Planning and Operations Office</b>	
<b>To provide the state's share of funds advanced by the federal government for grants to victims of the Kansas City flood disaster or other disasters for which funds may be needed.</b>	
<b>From General Revenue Fund .....</b>	<b>\$1,025,000</b>
<b>Section 14.171. To the Department of Public Safety</b>	
<b>For the Adjutant General</b>	
Personal Service	
<b>From General Revenue Fund .....</b>	<b>\$361,900</b>
<b>Section 14.174. To the Department of Mental Health</b>	
<b>For increased fuel and utility costs at various institutions</b>	
Fulton State Hospital .....	\$108,676
St. Joseph State Hospital .....	102,490

# APPROPRIATIONS

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St. Louis State Hospital .....	354,200
Higginville State School & Hospital .....	52,652
St. Louis State School & Hospital .....	30,000
Marshall State School & Hospital .....	13,428
From General Revenue Fund .....	<u>\$661,446</u>
Section 14.175. To the Department of Mental Health	
Equipment funds for Poplar Bluff Regional Center .....	\$7,400
Operational funds for Springfield Regional Center .....	4,000
Supplies for Youth Center, St. Louis State Hospital .....	52,000
From General Revenue Fund .....	<u>\$63,400</u>
Section 14.180. To the Department of Social Services	
For the Division of Health for implementation of Senate Bill 185 of the 79th General Assembly	
Personal Service .....	\$31,622
Equipment Purchase and Repair .....	9,020
Operation .....	11,455
From General Revenue Fund .....	<u>\$52,097</u>
Section 14.185. To the Department of Social Services	
For the Division of Health for the State Chest Hospital	
Personal Service .....	\$8,130
Equipment Purchase and Repair .....	90,000
Operation .....	55,000
From Chest Hospital Earnings Fund .....	<u>\$153,130</u>
Section 14.190. To the Department of Social Services	
For the Division of Health, State Cancer Hospital	
Personal Service .....	\$27,533
Equipment Purchase and Repair .....	214,890
Operation .....	19,000
From Cancer Hospital Fund .....	<u>\$261,423</u>
Section 14.205. To the Department of Social Services	
For the Division of Family Services	
For the payment of aid to families with dependent children	
From General Revenue Fund .....	\$3,120,685
From Federal Funds .....	4,811,915
Total .....	<u>\$7,932,600</u>
Section 14.210. To the Department of Social Services	
For the Division of Family Services	
For foster care and the residential treatment of homeless, dependent and neglected children	
From General Revenue Fund .....	\$454,956
From Federal Funds .....	984,535
Total .....	<u>\$1,439,491</u>



**Section 14.215. To the Department of Social Services****For the Division of Family Services—Income Maintenance**

Personal Service .....	\$591,764
Equipment Purchase and Repair .....	1,448
Operation .....	27,753

From Federal Funds ..... 620,965

**For the Division of Family Services—Social Services**

Personal Service .....	106,427
Equipment Purchase and Repair .....	6,392
Operation .....	22,993

From Federal Funds ..... 135,812

**For the Division of Family Services—Medical Services**

Personal Service .....	23,047
Equipment Purchase and Repair .....	790
Operation .....	61,403

From Federal Funds ..... 85,240

**For the Division of Family Services—Administrative Services**

Personal Service .....	118,853
Operation .....	322,022

From General Revenue ..... 440,875

Equipment Purchase and Repair ..... 4,339

Operation ..... 67,397

From Federal Funds ..... 71,736

**Total ..... \$1,354,628**

**Section 14.220. To the Department of Social Services****For the Division of Family Services****For medical services provided under Title XIX of the Social Security Act**

From General Revenue Fund ..... \$2,190,385

From Federal Funds ..... 679,047

**Total ..... \$2,869,432**

**Section 14.225. To the Department of Social Services****For the Division of Corrections****Equipment Purchase and Repair**

From Working Capital Revolving Fund ..... \$142,744

**Operation**

From General Revenue Fund ..... 631,526

From Working Capital Revolving Fund ..... 870,764

**Total ..... \$1,645,034**

**Section 14.230. To the Department of Social Services****For the Division of Corrections****For renovation at Church Farm including utility system, converting dormitories to rooms and converting the gymnasium to education and office space**

From Federal Funds ..... \$1,000,000

<b>Section 14.235. To the House of Representatives</b>	
For salaries and expenses of the House of Representatives	
From General Revenue Fund .....	\$59,637
<b>Section 14.240. To the Senate</b>	
Senate Per Diem .....	\$5,950
Mileage of Members .....	3,093
From General Revenue Fund .....	\$9,043
<b>Section 14.245. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For Commerce and Industrial Development	
For International Business Development	
Expense and Equipment	
From General Revenue Fund .....	\$9,027
<b>Section 14.246. To the Department of Mental Health</b>	
For expenses involving the emergency housing, care, and treatment of patients displaced due to the unexpected closing of nursing homes	
From General Revenue Fund .....	\$836,471
<b>Section 14.247. To the Department of Consumer Affairs, Regulation and Licensing</b>	
For the use of the state dental board for Expense and equipment	
From General Revenue Fund .....	\$9,500

Approved April 25, 1978.

[H. B. 1613]

**SOVEREIGNTY, JURISDICTION AND EMBLEMS: Consent of the State of Missouri to the acquisition of land by the United States.**

AN ACT to repeal Sections 12.030 and 12.040 relating to the consent of the State of Missouri to the acquisition of land by the United States and jurisdiction in and over such lands, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.
- 12.030. Consent given United States to acquire land by purchase or condemnation for certain purposes.

**SECTION**

- 12.040. Exclusive jurisdiction ceded to United States—reserving right of taxation and right to serve processes.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 12.030 and 12.040, RSMo 1969, are repealed and two new sections enacted in lieu thereof to be known as Sections 12.030 and 12.040.

**12.030. Consent given United States to acquire land by purchase or condemnation for certain purposes.**—The consent of the state of Missouri is given, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise, of any land in this state as sites for customhouses, courthouses, post offices, arsenals, forts and other needful buildings required for military purposes.

**12.040. Exclusive jurisdiction ceded to United States—reserving right of taxation and right to serve processes.**—Exclusive jurisdiction in and over any land acquired as set out in section 12.030 or otherwise lawfully acquired and held for any of the purposes set out in section 12.030 by the United States, is ceded to the United States for all purposes, saving and reserving, however, to the state of Missouri the right of taxation to the same extent and in the same manner as if this cession had not been made; and further saving and reserving to the state of Missouri the right to serve thereon any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred, or crimes committed in this state, outside the boundaries of the land but the jurisdiction ceded to the United States continues no longer than the United States owns the land and uses the same for the purposes set out in Section 12.030.

Approved April 19, 1978.

[S. B. 823]

**LEGISLATIVE BRANCH: Fiscal and other information for proposed legislation.**

**AN ACT** relating to certain fiscal and other information for proposed legislation with an effective date.

**SECTION**

1. Fiscal notes required—preparation—contents.

**SECTION**

A. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Fiscal notes required—preparation—contents.**—1. Legislation with the exception of appropriation bills introduced into either house of the general assembly shall before being acted upon be submitted to the committee on state fiscal affairs. The staff of said committee shall prepare a fiscal note, examining the items contained in subsection 2 and such additional items as provided either by joint rule of the house and senate or by resolution adopted by the committee on state fiscal affairs.

2. The fiscal note shall state:

a. the cost of the proposed legislation to the state for the next two fiscal years;

b. whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency;

c. whether or not there is a federal mandate for the program or agency;

d. whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state;

e. whether or not any new physical facilities will be required.

3. The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

**Section A.**—This act shall become effective July 1, 1979.

Approved June 8, 1978.

[S. B. 755]

**EXECUTIVE BRANCH: Fees collected for service rendered by the Secretary of State.**

AN ACT to repeal sections 28.170, 351.115, 356.180, 357.030, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 506.240 and 506.340, RSMo 1969, and sections 109.230, 351.065 and 351.657, RSMo Supp. 1975, and 486.400 RSMo Supp. 1977 relating to fees collected for service rendered by the secretary of state and to enact in lieu thereof sixteen new sections relating to the same subject.

## SECTION

1. Enacting clause.
- 28.160. State entitled to certain fees.
- 28.170. Fees to be paid to director of revenue.
- 109.230. Duties of director.
- 351.065. Incorporation tax or fee.
- 351.115. Reservation of right to exclusive use of corporate name.
- 351.657. Abstract of corporate record, fee—certification by Secretary of State, fee—exception—public inspection authorized—information by telephone, what given.
- 351.658. Fees for corporate filings with Secretary of State.

## SECTION

- 356.180. Annual certificate — contents — form—fee.
- 357.030. Amendments to articles—change in number of authorized shares—fee.
- 400.9-403. What constitutes filing—duration of filing—effect of lapsed filing—duties of filing officer.
- 400.9-404. Termination statement.
- 400.9-405. Assignment of security interest—duties of filing officer—fees.
- 400.9-406. Release of collateral—duties of filing officer—fees.
- 400.9-407. Information from filing officer.
- 506.240. Service of process.
- 506.340. Service, how made.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 28.170, 351.115, 356.180, 357.030, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 506.240, and 506.340, RSMo 1969, and sections 109.230, 351.065 and 351.657, Supp. 1975 and 486.400 RSMo Supp. 1977 are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 28.160, 28.170, 109.230, 351.065, 351.115, 351.657, 351.658, 356.180, 357.030, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 506.240 and 506.340, to read as follows:

**28.160. State entitled to certain fees.**—The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

For issuing commission to notary public .....	\$10.00
For issuing all other commissions .....	5.00
For countersigning and sealing certificates of official character .....	3.00
For all other certificates .....	2.50
For copying records, papers or documents, for pages 8½ × 14 inches and smaller .....	.50
for each of the first five pages of each request and \$.15 for each page thereafter regardless of what subject matters are included in the request.	
For duplicating microfilm, for each roll .....	5.00
For certifying copies of records and papers or documents .....	1.50
For causing service of process to be made .....	5.00

**28.170. Fees to be paid to director of revenue.**—Before the secretary of state performs a duty or service required by law for which a fee is charged, the person requesting the service shall produce to the secretary of state the receipt of the state director of revenue showing that the fee has been paid to him or shall submit the fee to the secretary of state for transmittal to the state director of revenue.

**109.230. Duties of director.**—The director shall, with due regard for the functions of the agencies concerned, and subject to the approval of the secretary of state:

(1) Establish standards, procedures, and techniques for effective management of records;

(2) Make continuing surveys of paperwork operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records;

(3) With approval of the state records commission or local records board, establish standards for the preparation of schedules which provide for the retention of state or local records of continuing value and for the prompt and orderly disposal of state or local records no longer possessing sufficient administrative, legal, historical or fiscal value to warrant their future keeping;

(4) Publish lists of records authorized for disposal or retention;

(5) Supervise the state records center and archives;

(6) Establish standards and formulate procedures for the transfer, safeguarding and servicing of records;

(7) Evaluate economies of microfilming services for agencies;

(8) Obtain reports from agencies as required for the administration of the program;

(9) Serve as secretary to the state records commission; and

(10) Make copies of the public records filed with the state archives available at the expense of any person requesting copies.

**351.065. Incorporation tax or fee.—1.** No corporation shall be organized under the general and business corporation law of Missouri unless the persons named as incorporators shall at or before the filing of the articles of incorporation pay to the director of revenue three dollars for the issuance of the certificate and fifty dollars for the first thirty thousand dollars or less of the authorized shares of the corporation and a further sum of five dollars for each additional ten thousand dollars of its authorized shares, and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state as is provided by this chapter for the filing of articles of incorporation; except that the requirements of this section to pay incorporation taxes and fees shall not apply to foreign railroad corporations which built their lines of railway into or through this state prior to November 21, 1943.

2. For the purpose of this section, the dollar amount of authorized shares is the par value thereof in the case of shares with par value and is one dollar per share in the case of shares without par value.

**351.115. Reservation of right to exclusive use of corporate name.—1.** The exclusive right to the use of a corporate name may be reserved by:

(1) Any person intending to organize a corporation under this chapter;

(2) Any domestic corporation intending to change its name;

(3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state;

(4) Any foreign corporation authorized to transact business in this state and intending to change its name;

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

2. Such reservation shall be made by filing in the office of the secretary

of state an application to reserve a specified corporate name, executed by the applicant. If the secretary of state finds that such name is available for corporate use, he shall reserve the same for the exclusive use of such applicant for a period of sixty days.

3. The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person by filing in the office of the secretary of state a notice of such transfer, executed by the person for whom such name was reserved, and specifying the name and address of the transferee.

**351.657. Abstract of corporate record, fee—certification by Secretary of State, fee—exception—public inspection authorized—information by telephone, what given.—1.** The secretary of state shall, upon receipt of a written request and a fee of one dollar, furnish to the person or governmental agency so requesting an abstract of the corporate record of any one corporation licensed to do business or conduct its affairs in this state, or the registration record of any one individual or organization registered in the secretary of state's office. Such abstract shall not comprise more than one page, shall be in concise form and may contain the information contained in one or more annual reports or any other document filed by the corporation.

2. The secretary of state shall certify an abstract of such record upon written request therefor. The fee for such certification shall be three dollars in addition to the fee required for furnishing an abstract record as provided in subsection 1 of this section. The certification shall be made under the seal of the office of the secretary of state.

3. The secretary of state shall also, in accordance with rules promulgated by him, make available for public inspection and copying during regular office hours all papers filed in the office of secretary of state relative to any corporation or business concern the filings of which are administered by him.

4. No fee as herein provided shall apply to any agency or department of the state of Missouri.

5. The secretary of state shall furnish without charge information over the phone concerning corporate status, registered agent and incorporation date and withdrawal date only of any corporation licensed to do business in this state.

6. The secretary of state may in his discretion make a pre-clearance examination and report upon any document proposed to be filed with the secretary of state, and may charge a fee therefor not in excess of twenty-five dollars.

7. After initial incorporation the secretary of state may at his discretion permit the filing of any certificate or other paper without first requiring payment of the fees required by any provision of this chapter.

**351.658. Fees for corporate filings with Secretary of State.—**Except as otherwise provided in this chapter, the secretary of state shall charge and collect for:

- (1) Filing application for reservation of a corporate name, ten dollars;
- (2) Filing amendment to articles of incorporation or certificate of authority and issuing a certificate of amendment or amended certificate of authority, fifteen dollars;
- (3) Filing articles of merger or consolidation, twenty-five dollars plus five dollars for each merging or consolidating Missouri corporation or foreign corporation authorized to do business in Missouri over two in number;
- (4) Filing articles of dissolution, fifteen dollars; filing articles of liquidation, no fee;
- (5) Filing of revocation of articles of dissolution, ten dollars;

- (6) Filing of restated articles of incorporation, fifteen dollars;
- (7) Filing of statement of reduction of stated capital, ten dollars;
- (8) Filing of a certificate of redemption or designation, ten dollars;
- (9) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ten dollars;
- (10) Filing statement of change of address of registered office or change of registered agent, or both, three dollars;
- (11) Certified copy of corporate record, fifteen cents per page plus three dollars for certification;
- (12) Furnishing certificate of corporate existence, three dollars;
- (13) Furnishing certificate—others, ten dollars;
- (14) Filing evidence of merger by a foreign corporation, ten dollars plus one dollar for each additional Missouri corporation or foreign corporation authorized to do business in Missouri over two;
- (15) Filing evidence of dissolution by a foreign corporation, five dollars.

**356.180. Annual certificate—contents—form—fee.—1.** Each professional corporation shall file in duplicate with the secretary of state a certificate setting forth the following information:

- (1) The names and residence addresses of all officers, directors and shareholders of that professional corporation as of June thirtieth next preceding;
- (2) A statement that each officer, director and shareholder is or is not a qualified person as defined in this chapter, and setting forth the date on which any shares of the corporation were no longer owned by a qualified person;
- (3) A statement as to whether or not suit has been instituted to fix the fair value of any shares not owned by a qualified person, and, if so, the date on which, and the court in which the same was filed.

2. The certificate shall be made on a form to be prescribed and furnished by the secretary of state, shall be signed by the president or vice president, attested by the secretary or assistant secretary of the professional corporation, and sworn to before a notary public by the persons executing the certificate. Every corporation required to register under the provisions of this chapter shall pay to the state a fee of two dollars for its first registration and a fee of ten dollars for annual registration if it registers within thirty days after the first day of July, and any such corporation which registers August first or during thirty days thereafter shall pay a fee of fifteen dollars, and any such corporation which registers September first or during twenty-nine days thereafter shall pay a fee of twenty-five dollars, and any such corporation which registers October first or during thirty days thereafter shall pay a fee of thirty dollars, and any such corporation which registers November first or during twenty-nine days thereafter shall pay a fee of thirty-five dollars, and any such corporation which registers December first or during thirty days thereafter shall pay a fee of forty dollars for annual registration. The duplicate original copy of the annual certificate shall be forwarded to the regulatory board which licenses the shareholders described in the certificate.

**357.030. Amendments to articles—change in number of authorized shares—fee.—**Any such association may amend its articles of incorporation by a majority vote of its shareholders at any regular shareholders' meeting or at any special shareholders' meeting called for that purpose on sixty days' written notice by mail to all shareholders. Said power to amend shall include the power to increase or diminish the amount of capital stock and the number of shares, but the amount of capital stock shall not be so diminished below the

amount of paid-up capital at the time the amendment is adopted. Within thirty days after the adoption of an amendment to its articles of incorporation, such association shall cause a copy of such amendment to be recorded in the office of the recorder of deeds of the county or city wherein its principal place of business is located, and a certified copy thereof in the office of the secretary of state. The fee of the secretary of state for filing an article of amendment shall be one dollar and no increase in the authorized shares of the corporation shall be valid or effectual unless the corporation has paid the director of revenue five dollars for each ten thousand dollars or less of the increase in the authorized shares of the corporation, and the corporation shall file a duplicate receipt issued by the director of revenue for the payments required by this section to be made with the secretary of state.

**400.9-403. What constitutes filing—duration of filing—effect of lapsed filing—duties of filing officer.**—(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty-day period after a stated maturity date or on the expiration of such five-year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement on officially approved forms shall be two dollars. The uniform fee for filing forms of a size other than that officially approved by the secretary of state shall be four dollars.

**400.9-404. Termination statement.**—(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or



otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof on officially approved forms shall be two dollars. The uniform fee for filing and indexing such an assignment or statement thereof made on forms of a size other than that officially approved by the secretary of state shall be four dollars. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The uniform fee for filing and indexing a termination statement on officially approved forms including sending or delivering the financing statement shall be two dollars. The uniform fee for filing and indexing a termination statement, made on forms of a size other than that officially approved by the secretary of state, including sending or delivering the financing statement, shall be four dollars.

**400.9-405. Assignment of security interest--duties of filing officer--fees.--**

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 400.9-403 (4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment on officially approved forms shall be two dollars. The uniform fee for filing forms of a size other than that officially approved by the secretary of state shall be four dollars.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on officially approved forms shall be two dollars. The uniform fee for filing forms of a size other than that officially approved by the secretary of state shall be four dollars.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

**400.9-406. Release of collateral—duties of filing officer—fees.**—A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on officially approved forms shall be two dollars. The uniform fee for filing and noting such a statement of release made on forms of a size other than that officially approved by the secretary of state shall be four dollars.

**400.9-407. Information from filing officer.**—(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be four dollars. Upon request the filing officer shall furnish a copy of all filed financing statements and statements of assignment naming a particular debtor for a uniform fee of four dollars.

**506.240. Service of process.**—1. Service of process under sections 506.200 to 506.320 shall be made by delivering a copy of the summons, with a copy of the petition attached to the secretary of state of Missouri at his office, or in his absence, to the chief clerk of the secretary of state, at his office, and such service shall be sufficient service upon such nonresident.

2. The secretary of state shall immediately mail to the defendant, and to each of them if there be more than one, by restricted, registered mail, addressed to the defendant at his last known address, residence or place of abode a notice of such service and a copy of such process and petition.

**506.340. Service, how made.**—Service shall be made by mailing a copy of the original summons to the secretary of state, and such service shall be sufficient; provided that a copy of the service shall be forthwith sent by registered mail to the defendant and the defendant's return receipt and an affidavit of plaintiff or his attorney as to compliance herewith are filed in this action.

Approved June 7, 1978.

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[H. B. 1219]

**EXECUTIVE BRANCH: Central Check Mailing Service Revolving Fund in State Treasury.**

AN ACT to establish a central check mailing service revolving fund in the state treasury and to regulate expenditures therefrom.

# SECTION

1. Central check mailing fund created—treasurer to administer.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Central check mailing fund created—treasurer to administer.**—There is hereby created a "Central Check Mailing Service Revolving Fund" within the state treasury, which shall be administered by the state treasurer. The state treasurer shall be custodian of the fund and shall receive funds paid or transferred to his office by state departments or agencies for centralized check mailing services rendered by the state treasurer. The commissioner of administration shall approve disbursements from the fund at the request of the state treasurer, or his designee, to purchase goods and services which will be utilized in providing a centralized check mailing service. The central check mailing service revolving fund shall be funded annually by appropriation, and any unencumbered balance in excess of fifty thousand dollars remaining at the end of each fiscal year shall revert to the general revenue fund in accordance with other provisions of law.

Approved April 19, 1978.

[H. B. 1218]

## EXECUTIVE BRANCH: Establishment of a General Revenue Fund, a Federal Grant Program Fund and an Institutions Gift Trust Fund.

AN ACT relating to the establishment of a general revenue fund, a federal grant program fund and an institutions gift trust fund in the treasury and regulating expenditures therefrom, with an emergency clause containing a specified time of effect.

# SECTION

1. General Revenue Fund created.
2. Federal Grant Program Fund created—deposit and disbursements—lapse.
3. State Institutions Gift Trust Fund created.

# SECTION

4. Reports of receipts and expenditures required, when, to whom—restrictions on certain expenditures.
5. Institutions of higher education to report.
- A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. General Revenue Fund created.**—1. There is hereby created in the state treasury the "General Revenue Fund". All moneys received by this state shall be deposited in the state treasury to the credit of the general revenue fund, unless required by statute or constitutional provision to be deposited in some other specifically named fund.

**Section 2. Federal Grant Program Fund created—deposit and disbursements—lapse.**—1. There is hereby created in the state treasury the "Federal Grant Program Fund". All moneys received from the federal government as grants shall be deposited in the state treasury to the credit of the federal grant program fund except those funds which are required by the constitution or statutes of this state to be placed in a restricted use fund.

2. All money received by any agency to cover indirect or reimbursable costs shall be deposited in the treasury to the credit of the appropriate fund.

3. Notwithstanding the provisions of section 33.080, RSMo, moneys in the federal grant program fund shall not lapse.

4. No money shall be withdrawn from the federal grant program fund except by appropriation.

**Section 3. State Institutions Gift Trust Fund created.**—There is hereby created in the treasury the "State Institutions Gift Trust Fund". Unless otherwise provided, all moneys derived from gifts, bequests or donations to or for the use of any state agency or state institution shall be deposited in the treasury to the credit of the state institutions gift trust fund and shall be appropriated for the purposes of carrying out the objects for which the gift, bequest or donation was made.

**Section 4. Reports of receipts and expenditures required, when, to whom—restrictions on certain expenditures.**—Beginning July 1, 1978; all departments of state government and each government entity operating programs for which appropriations are made shall provide the committee on fiscal affairs and the appropriations committees of the House and Senate with the following information on a monthly basis: Expenditures by account number assigned by the Office of Administration, Division of Accounting, in the Chart of Accounts and Index for Fiscal Year 1979 Appropriations and each fiscal year thereafter; federal fund expenditures by grant and purpose together with the Public Law number authorizing such expenditures and the grant identifier number; notification of termination of any federal grant and disposition of any employees employed under such grant. In the event state funds are appropriated for purposes for which a federal grant is anticipated and the grant is not made, such state funds may not be used for other purposes. In the event federal funds are terminated during Federal Fiscal Year 1979 and each fiscal year thereafter, state funds appropriated to match such federal funds may not be used for other purposes and the state funds shall lapse if not used for their designated purpose.

**Section 5. Institutions of higher education to report.**—Notwithstanding the provisions of this act, nothing contained herein, except provisions of Section 4 above, shall be construed to apply to institutions of Higher Education in this state.

**Section A. Emergency clause.**—Because the provisions of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, this act is hereby declared to be an emergency act within the meaning of the constitution and shall be in full force and effect July 1, 1978, or upon approval by the governor, whichever is later.

Approved April 19, 1978.

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[H. C. S. H. B. 1550]

**EXECUTIVE BRANCH: Establishment of a Missouri state surplus property clearing account.**

**AN ACT** relating to the establishment of a Missouri state surplus property clearing account.

**SECTION**

1. Deposit of funds received from sale of surplus property—administration and use of funds.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Deposit of funds received from sale of surplus property—administration and use of funds.**—The moneys received by the state from the sale of

surplus property shall be deposited in the state treasury to the credit of the "Missouri State Surplus Property Clearing Fund", hereby created. The account shall be administered by the state purchasing agent. When appropriated the funds in the surplus property clearing account shall be used for the purpose of paying the costs of conducting surplus property sales. The purchasing agent shall distribute all funds received in excess of the costs of the sale to the fund which purchased the item sold.

Approved April 25, 1978.

[S. B. 499]

**EXECUTIVE BRANCH: Bonds to finance water pollution control programs.**

AN ACT relating to the issuance of additional bonds to finance water pollution control programs as authorized by section 37(b) of article III of the Missouri constitution.

**SECTION**

1. Board of Fund Commissioners authorized to borrow additional money, how.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Board of Fund Commissioners authorized to borrow additional money, how.**—In addition to the seventy-four million four hundred ninety-four thousand two hundred forty dollars heretofore authorized, the board of fund commissioners of the state of Missouri is authorized to borrow an additional twenty-eight million dollars on the credit of the state in the manner and for the purposes set out in section 204.500 to 204.560, RSMo.

Approved June 12, 1978.

[S. B. 851]

**EXECUTIVE BRANCH: Governor authorized to convey lands to United Cerebral Palsy of Southwest Missouri.**

AN ACT to authorize the governor to grant, bargain, sell and convey certain state lands in Greene county, presently used by the department of mental health, to the united cerebral palsy of southwest Missouri, a not for profit corporation.

**SECTION**

1. Governor authorized to convey land in Greene County to United Cerebral Palsy of Southwest Missouri—description.

**SECTION**

2. Conditions of conveyance.
3. Attorney General to approve instrument of conveyance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to convey land in Greene County to United Cerebral Palsy of Southwest Missouri—description.**—The governor is authorized and empowered to grant, bargain, sell and convey for two hundred dollars and other valuable consideration a tract of land in Greene county, containing one and eight one hundredths acres more or less and presently used by the department of mental health, to the united cerebral palsy of southwest Missouri, a not for profit corporation, the tract to be used in expanding the present cerebral palsy development center's program. The tract of land is more particularly described by metes and bounds as follows:

Beginning at an iron pin on the North line of Pythian Street and 1118.30'

West of the West line of Glenstone Avenue as it existed, thence North making an angle of 89 degrees 56 minutes to the right from the North line of Pythian a distance of 810.50' for a new point of beginning, thence continuing North 125', thence West on an interior angle of 89 degrees 59 minutes 380', thence South on an interior angle of 90 degrees 01 minutes 123', thence East on an interior angle 90 degrees 17 minutes 380' to the point of beginning all in Springfield, Greene Co., Mo. Containing in all 1.08 acres more or less. All being in the S- $\frac{1}{2}$  of the NE- $\frac{1}{4}$  of Section 18, Twp 29, Rng 21.

**Section 2. Conditions of conveyance.**—The instrument of conveyance shall contain the following provisions:

(1) That the title shall revert if the tract ceases to be used for the purpose and conditions specified in this section;

(2) That the united cerebral palsy of southwest Missouri shall not construct a building, driveway, parking lot or other permanent structure over any existing utilities;

(3) That any relocation of existing utilities shall be approved by the department of mental health as to new location, material, construction methods, etc. Cost of any relocation shall be the responsibility of the united cerebral palsy of southwest Missouri;

(4) That an easement for any existing utility (ten feet wide, each side of centerline of utility) shall be granted to the department of mental health for maintenance purposes;

(5) That as a condition of this transfer the united cerebral palsy of southwest Missouri, inc. will undertake to treat all indigent Missouri residents without charge and without regard to race, sex, color and creed for cerebral disabilities who apply to it for therapy of this condition.

**Section 3. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instrument of conveyance.

Approved June 12, 1978.

[S. B. 873]

#### **EXECUTIVE BRANCH: Sale of a lot owned by the state in Kansas City.**

**AN ACT** relating to the sale of a certain lot owned by the state in the city of Kansas City, presently under the control of the department of elementary and secondary education.

#### **SECTION**

1. Director of Division of Purchasing authorized to conduct auction to convey property in Kansas City—description.

#### **SECTION**

2. Notice of auction.
  - A. Attorney General to approve instrument of conveyance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Director of Division of Purchasing authorized to conduct auction to convey property in Kansas City—description.**—The director of the division of purchasing in the state office of administration is hereby authorized to conduct a public auction for the sale of, and the governor is hereby authorized to convey to the highest bidder at the auction upon receipt within thirty days of the amount so bid, property in the city of Kansas City, more particularly described as Lot 17, Overlook No. 2, a subdivision in the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 11, Township 49, Range 33 in Kansas City, Jackson County, Missouri,

and presently under the control of the department of elementary and secondary education.

**Section 2. Notice of auction.**—Notice of the auction shall be given in a newspaper of general circulation within Jackson county.

**Section A. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instrument of conveyance.

Approved June 14, 1978.

[S. B. 893]

**EXECUTIVE BRANCH: Governor authorized to grant easement to Missouri Edison Company.**

**AN ACT** to authorize the governor to grant an easement in certain lands of state school for the severely handicapped located in St. Charles county to Missouri Edison Company, a Missouri corporation.

**SECTION**

1. Governor authorized to grant easement through lands in St. Charles County to Missouri Edison Company—description—right of ingress and egress—state not to create obstruction.

**SECTION**

2. Consideration.
3. Attorney General to approve instrument of conveyance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to grant easement through lands in St. Charles County to Missouri Edison Company—description—right of ingress and egress—state not to create obstruction.**—1. The governor is hereby authorized and empowered to give, grant and convey to or for the use of Missouri Edison Company, a Missouri corporation, an easement in the hereinafter described real property to erect, reconstruct, operate and maintain an electric transmission and distribution line, and other equipment appurtenant thereto for the transmission and distribution of electric energy in, on, over, upon, through, under and across the lands, situated in St. Charles county, state of Missouri, described as follows:

A strip of land fifteen (15) feet in width along and adjacent to a line with the point of beginning of said line to be reached by the following course and distances:

Beginning at the Southwest corner of the North one-half of the Northwest one-quarter of fractional Section 3, Township 46 North—Range 3 East; said point being the Southwest corner of property conveyed to Lawrence W. Riley and wife by deed recorded in Book 564 page 297 of the St. Charles County records; thence Eastwardly along the South line of said North one-half of the Northwest one-quarter of Fractional Section 3, being also along said South line of the Riley property and its Eastwardly prolongation, North 89 degrees 23 minutes 14 seconds East 923.14 feet to a point in the East line of Knaust Road, 40 feet wide (as traveled); thence Northwardly along said East line of Knaust Road, 40 feet wide (as traveled), North 4 degrees 44 minutes 21 seconds West 146.95 feet, North 3 degrees 33 minutes 53 seconds West 128.42 feet, and North 6 degrees 05 minutes 53 seconds West 125.75 feet, to a point; thence North 89 degrees 23 minutes 14 seconds East 760.53 feet to a point; said point being the actual point at beginning of said line; said strip being west of a curve to the left whose radius point bears North 63 degrees 20 minutes 48 seconds East 1935 feet from the last mentioned point, a distance of 362.51 feet to a point; thence South 0 degrees 36 minutes

46 seconds East 66.06 feet to a point; said strip being North of a line running South 89 degrees 23 minutes 14 seconds West 921.75 feet along the Northern edge of a 25 feet wide easement and right-of-way agreement to Williams Brothers Pipeline Company recorded in Book 464 Page 223 to a point in the East line of Knaust Road, 40 feet wide (as traveled) said point to be the point of ending of the said line.

2. The easement shall also give, grant and convey to Missouri Edison Company the right of ingress to and egress from the described lands over lands of the state for the purpose of patrolling the line, or repairing or renewing it, and for doing anything necessary for the enjoyment of the rights herein granted and to trim or fell trees, branches, shrubbery, bushes and remove other obstacles that may interfere with the safe, proper and expeditious erection, operation and maintenance, under varying conditions of operation, renewal and removal of the line, or any part thereof, without further payment therefor except as hereinafter provided.

3. The easement shall also contain an agreement that the state shall not create any obstructions that will interfere with the successful and safe operation of the electric line for any of the purposes aforesaid. The center line of the right-of-way easement herein granted shall be established by the longitudinal center of said electric line upon its initial erection; upon any reconstruction, renewal, replacement or substitution of said electric line, in whole or in part, the locations of poles may be changed, but as nearly as practicable the poles or structures shall be located over and upon the center line of the electric line as theretofore constructed or erected.

**Section 2. Consideration.**—The consideration for the granting of the easement shall be ten dollars and the release to the state of Missouri by Missouri Edison Company of an easement granted to the Missouri Edison Company by the Fort Zumwalt School District R-2, which is more particularly described and recorded in book 665, page 179 of the records of the recorder of deeds of the county of St. Charles, state of Missouri.

**Section 3. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instrument of conveyance.

Approved April 19, 1978.

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[S. C. S. S. B. 956]

**EXECUTIVE BRANCH: Conveyance of real property in townships 35, 36, 37 and 38 by quitclaim deed.**

**AN ACT** relating to the conveyance of certain real property in townships 35, 36, 37 and 38 by quitclaim deed.

**SECTION**

1. Governor authorized to issue quitclaim deed for properties in Hickory County—description—no record of prior conveyance—record owner may present evidence—conveyance provisions—Attorney General to approve instrument of conveyance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to issue quitclaim deed for properties in Hickory County—description—no record of prior conveyance—record owner may present evidence—conveyance provisions—Attorney General to approve instrument of conveyance.**—1. The governor is hereby authorized to issue a quit-



claim deed for certain properties in Hickory County, Missouri, the properties being more particularly described as follows:

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 17, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 26, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 26, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 26, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 35, Township 37, Range 21; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 36, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 36, Township 37, Range 21; and

The North half (N  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 7, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 8, Township 37, Range 21; and

The South half (S  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 4, Township 37, Range 21; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 9, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 3, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the West half (W  $\frac{1}{2}$ ) of Section 10, Township 37, Range 21; and

The East half (E  $\frac{1}{2}$ ) of Section 10, Township 37, Range 21; and

The East half (E  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 12, Township 37, Range 21; and

The West half (W  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 15, Township 37, Range 21; and

The North half (N  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 15, Township 37, Range 21; and

The South half (S  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 13, Township 37, Range 21; and

The East half (E  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 16, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 16, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 16, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 22, Township 37, Range 21; and

The North half (N  $\frac{1}{2}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

Blocks 2, 3 and 8 of the Original Town of Preston, Missouri, as they appear in the plat thereof; and

Blocks 2, 3, 4, 5, 6, 7, 8 and 9 of the Reser and Griffin Addition to Preston, Missouri, as they appear in the plat thereof; and

Blocks 1, 2, 3 and 4 of the Pipers Addition to Preston, Missouri, as they appear in the plat thereof; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 24, Township 37, Range 21; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 24, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 23, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 16, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 35, Township 37, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 35, Township 37, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 35, Township 37, Range 21; and

The South half (S  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 26, Township 37, Range 21; and

The South half (S  $\frac{1}{2}$ ) of the South half (S  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 35, Township 37, Range 21; and

The East half (E  $\frac{1}{2}$ ) of Lot one (1) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 3, Township 36, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 9, Township 36, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 9, Township 36, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 17, Township 36, Range 21; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 17, Township 36, Range 21; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 36, Range 21; and

The South half (S  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 4, Township 36, Range 21; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 16, Township 36, Range 22; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 16, Township 36, Range 22; and

The South half (S  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 16, Township 36, Range 22; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of Section 16, Township 36, Range 22; and

The South half (S  $\frac{1}{2}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 16, Township 36, Range 22; and

The South half (S  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 27, Township 36, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 27, Township 36, Range 22; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 33, Township 36, Range 22; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 33, Township 36, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 35, Township 36, Range 22; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 35, Township 36, Range 22; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 35, Township 36, Range 22; and

The West side of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 36, Township 36, Range 22; and

The Southeast (SE) corner of the Northwest quarter (NW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 35, Township 36, Range 22; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of Section 25, Township 36, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 26, Township 36, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 13, Township 36, Range 22; and

The North half (N  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 30, Township 36, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 1, Township 35, Range 22; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 14, Township 36, Range 23; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 14, Township 36, Range 23; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 36, Range 23; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 36, Range 23; and

The North half (N  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 23, Township 36, Range 23; and

The North half (N  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 27, Township 37, Range 20; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 28, Township 37, Range 20; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 34, Township 37, Range 20; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 23, Township 38, Range 20; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 23, Township 38, Range 20; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 38, Range 20; and

The Southwest quarter (SW  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 23, Township 38, Range 20; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 24, Township 38, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 24, Township 38, Range 22; and

The North half (N  $\frac{1}{2}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 25, Township 38, Range 22; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 29, Township 38, Range 22; and

The Southeast seven-eighths (SE  $\frac{7}{8}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 34, Township 38, Range 22; and

The North half (N  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 26, Township 38, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 26, Township 38, Range 22; and

The North half (N  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 26, Township 38, Range 22; and

The Northwest quarter (NW  $\frac{1}{4}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 20, Township 38, Range 22; and

The South half (S  $\frac{1}{2}$ ) of the Northeast quarter (NE  $\frac{1}{4}$ ) of Section 20, Township 38, Range 22; and

The Northeast quarter (NE  $\frac{1}{4}$ ) of the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 20, Township 38, Range 22; and

The North half (N  $\frac{1}{2}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 17, Township 38, Range 22; and

The Southeast quarter (SE  $\frac{1}{4}$ ) of the Southwest quarter (SW  $\frac{1}{4}$ ) of Section 17, Township 38, Range 22; and

The West half (W  $\frac{1}{2}$ ) of the Southeast quarter (SE  $\frac{1}{4}$ ) of Section 17, Township 38, Range 22; and

The South half (S  $\frac{1}{2}$ ) of Lots 8 and 9 of Block 9 of the Town of Wheatland, Missouri, as they appear on the plat thereof.

A marginal notation in the recorder's index indicates the properties were conveyed to the state of Missouri by John W. Quigg on November 23, 1876. No record exists of any such conveyance, and the state has never claimed an interest in the property pursuant to this purported conveyance.

2. Any record owner of any of the affected properties as of the effective date of this act may present evidence satisfactory to the attorney general that the owner is entitled to a quitclaim deed pursuant to this act. The instrument of conveyance shall convey only the interest the state of Missouri may have acquired as a result of the purported conveyance to the state by John W. Quigg on November 23, 1876. The instrument of conveyance shall also contain a provision that the deed does not affect any interest in the affected property that was acquired by any person subsequent to November 23, 1876. The attorney general shall prepare and approve the instrument of conveyance and the governor shall issue the same.

Approved June 7, 1978.

(H. B. 1154)

**EXECUTIVE BRANCH: Governor to convey lands to Scott-New Madrid-Mississippi Counties Cerebral Palsy Affiliate.**

**AN ACT** to authorize the governor to grant, bargain, sell, and convey certain lands of the state school for the severely handicapped at Sikeston, Missouri, to the Scott-New Madrid-Mississippi Counties Cerebral Palsy Affiliate, with an emergency clause.

**SECTION**

1. Governor authorized to convey land—description.
2. Reversionary clause.

**SECTION**

3. Attorney General to approve instrument of conveyance.
- A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to convey land—description.**—The governor is authorized and empowered to grant, bargain, sell, and convey for one dollar and other valuable consideration a tract of land in Scott County, containing one acre, more or less, presently a part of the lands of the state school for the severely handicapped No. 49, to the Scott-New Madrid-Mississippi Counties Cerebral Palsy Affiliate, a not for profit corporation, the tract to be used for a cerebral palsy center. The tract of land lying and being in the N.E. 1/4, N.W. 1/4 of Section 28, Twp. 26 N., R. 14E, Scott County, Missouri, is more particularly described by metes and bounds as follows:

"Commencing at the N.W. corner of the said N.E. 1/4, N.W. 1/4 of Section 28, Twp. 26N., R. 14E.; thence S. 88°57'E. on and along the north section line of Section 28, a distance of 1472.05 to a point; thence S. 1°03'W. a distance of 741.29 ft. to the point of beginning; thence continuing S. 1°03'W. a distance of 208.71 ft. to a point, said point being the S.E. corner of a tract of land previously deeded to the Missouri State School for the Severely Handicapped by Glenn and Clara Matthews; thence N. 88°57'W. on and along the south line of the School for the Severely Handicapped tract a distance of 208.71 ft. to a point; thence N. 1°03'W. a distance of 208.71 ft. to a point; thence S. 88°57'E. a distance of 208.71 ft. to the point of beginning. Containing in all 1.00 acres more or less."

**Section 2. Reversionary clause.**—The instrument of conveyance shall contain the provision that the title shall revert if the tract ceases to be used for the purpose specified in section 1 of this act.

**Section 3. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instrument of conveyance.

**Section A. Emergency clause.**—Because immediate action is necessary this act is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 3, 1978.

[S. C. S. H. B. 1187]

**EXECUTIVE BRANCH: Governor to grant easements to City of Boonville.**

**AN ACT** to authorize the governor to grant easements in certain lands of the state training school for boys at Boonville to the city of Boonville and to repeal an act of the second regular session of the seventy-eighth general assembly known as house bill no. 1186, approved March 31, 1976, and relating to the same subject.

## SECTION

1. Governor authorized to grant easements to City of Boonville—description.
2. Director of Division of Youth Services may negotiate.

## SECTION

3. Attorney General to approve instrument of conveyance.
4. Consideration.
5. Repealing clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to grant easements to City of Boonville—description.**—The governor is hereby authorized and empowered to give, grant and convey to or for the use of the city of Boonville, Missouri two easements for the purposes of constructing, using, repairing, altering and maintaining a street or streets through real estate owned by the state of Missouri, consisting of a portion of the land of the training school for boys in Boonville. The easements are more particularly described as follows:

A tract of land lying in the East Half of Section 36, Township 49 North, Range 17 West, Cooper County, Missouri and being more fully described as follows to wit:

Beginning at the southwest corner of Indian Hills Addition #1, said point being 21 feet north of and 2,125 feet east of the southwest corner of Section 25, Township 49 North, Range 17 West; thence south 00 degrees 35 minutes east, 21 feet to a point on the south line of said Section 25, said line also being the north line of Section 36, Township 49 North, Range 17 West; thence north 86 degrees 09 minutes east along said Section line 1,218.64 feet to the true point of beginning; thence south 41 degrees 49 minutes 51 seconds west 106.20 feet to a point; thence south 03 degrees 58 minutes east, 1,160.00 feet to a point; thence south 42 degrees 37 minutes 36 seconds east, 96.05 feet to a point; thence south 03 degrees 58 minutes east 175.00 feet to a point; thence south 17 degrees 50 minutes 04 seconds west, 107.70 feet to a point; thence south 03 degrees 58 minutes east 140.00 feet to a point; thence south 45 degrees 34 minutes 56 seconds east 103.84 feet to a point in the Rocheport Road; thence north 87 degrees 13 minutes west, 300.00 feet to a point; thence north 43 degrees 54 minutes 23 seconds east leaving said Rocheport Road 92.98 feet to a point; thence north 03 degrees 58 minutes west, 70.00 feet to a point; thence north 25 degrees 46 minutes 05 seconds west, 53.85 feet to a point; thence south 86 degrees 02 minutes west, 20.0 feet to a point; thence north 03 degrees 58 minutes west, 150.0 feet to a point; thence north 86 degrees 02 minutes east, 20.0 feet to a point; thence north 10 degrees 57 minutes 52 seconds east, 155.24 feet to a point; thence south 86 degrees 02 minutes west, 40.0 feet to a point; thence north 03 degrees 58 minutes west, 450.0 feet to a point; thence north 86 degrees 02 minutes east, 40.0 feet to a point; thence north 03 degrees 58 minutes west, 760.0 feet to a point; thence north 49 degrees 45 seconds 49 minutes west, 106.87 feet to a point on said north line of Section 36; thence north 86 degrees 09 minutes east along said section line 272.73 feet to the point of beginning; containing 5.94 acres more or less.

Also an easement lying in the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter all in Section 36, Township 49 North, Range 17 West, Cooper County, Missouri and being more fully described as follows to wit:

Beginning at a point marking the intersection of the center lines of Locust Street and Reformatory Drive, said point also being at Station 5+20.86 of the proposed new construction; thence north 84 degrees 32 minutes east along the center line of Locust Street, 179.14 feet to Station 7+00 and the true point of beginning of this easement; thence continue north 84 degrees 32 minutes east along said center line and 40.0 feet north of said center line, 250.0 feet to Station 9+50; thence continue north 84 degrees 32 minutes east along said center line and 40.0

feet north of and 70.0 feet south of said center line, 187.11 feet to P.C. Station 11+37.11; thence continue along said center line in an easterly direction on a curve to the right having a radius of 1,909.86 feet, a central angle of 8 degrees and 15 minutes and a degree of curve of 3 degrees and 40.0 feet north of and 40.0 feet south of said center line, 275.0 feet to P.T. Station 14+12.11; thence south 87 degrees 13 minutes east along said Locust Street center line and 40.0 feet north of and 40.0 feet south of said center line, 404.61 feet to Station 18+16.72 and the end of said easement.

**Section 2. Director of Division of Youth Services may negotiate.**—The director of the division of youth services, may, with the approval of the director of the department of social services, negotiate with the city of Boonville for the assistance, if any, to be given by the training school in the construction of the street.

**Section 3. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instrument of conveyance.

**Section 4. Consideration.**—The consideration for the granting of the easement shall be one dollar plus other valuable consideration.

**Section 5. Repealing clause.**—The act of the second regular session of the seventy-eighth general assembly known as house bill no. 1186 and approved March 31, 1976 is hereby repealed.

Approved May 30, 1978.

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[H. B. 1738]

**EXECUTIVE BRANCH:** Governor to grant easement in lands of Fulton State Hospital to Lemmie L. Rose, John Douglas and Clinton Bartley.

**AN ACT** to authorize the governor to grant an easement in certain lands of the Fulton state hospital at Fulton to Lemmie L. Rose, John Douglas and Clinton Bartley, their heirs, successors and assigns.

**SECTION**

1. Governor authorized to grant easement to Lemmie L. Rose, John Douglas and Clinton Bartley—description—Attorney General to approve instrument of conveyance—consideration.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Governor authorized to grant easement to Lemmie L. Rose, John Douglas and Clinton Bartley—description—Attorney General to approve instrument of conveyance—consideration.**—1. The governor is hereby authorized and empowered to give, grant and convey to or for the use of Lemmie L. Rose, John Douglas and Clinton Bartley, their heirs, successors and assigns, an easement for the purpose of constructing, using, repairing, altering and maintaining a water line through real estate owned by the state of Missouri, consisting of a portion of the land of the Fulton state hospital, Fulton, Missouri. The easement is a fifteen foot wide strip across part of the northeast quarter of the northwest quarter of Section 15, Township 47 North, Range 9 West in Callaway county. The centerline of the easement being more particularly described as follows:

“From the northwest corner of the northeast quarter of the northwest quarter of said Section 15; thence southerly along the quarter quarter section line, 24.5 feet to the point of beginning for the centerline of this easement;

thence S88°43'43"E, 1359.37 feet to a point on the quarter section line, 34.5 feet southerly of the northeast corner of the northeast quarter of the northwest quarter of said Section 15 and the point of termination."

2. The attorney general shall approve the instrument of conveyance.

3. The consideration for the granting of the easement shall be ten dollars plus other valuable consideration.

Approved June 8, 1978.

[S. B. 772]

**MILITARY AFFAIRS AND POLICE: Number of officers and personnel on the Highway Patrol.**

AN ACT to repeal section 43.040, RSMo 1969 and section 43.050, RSMo Supp. 1975, relating to the number of officers and personnel on the highway patrol, and to enact in lieu thereof two new sections relating to the same subject, effective July 1, 1979.

**SECTION**

1. Enacting clause.
- 43.040. Lieutenant colonel and majors—appointment, qualifications.

**SECTION**

- 43.050. Officers and other personnel, numbers authorized — discrimination prohibited.
2. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 43.040, RSMo 1969 and section 43.050, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 43.040 and 43.050, to read as follows:

**43.040. Lieutenant colonel and majors—appointment, qualifications.**—The superintendent shall appoint from the membership of the patrol one lieutenant colonel and five majors, who shall have the same qualifications as the superintendent, and who may be relieved of the rank of lieutenant colonel or major, as the case may be, and the duties of the position by the superintendent at his pleasure.

**43.050. Officers and other personnel, numbers authorized—discrimination prohibited.**—1. The superintendent may appoint not more than twenty captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than forty-six lieutenants, and such additional force of sergeants, corporals and patrolmen so that the total number of members of the patrol shall not exceed nine hundred officers and patrolmen and such numbers of radio personnel as he deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services, which temporarily named patrolmen and radio personnel shall be affiliated with the same political party as patrolmen and radio personnel temporarily replaced.

3. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

**Section 2. Effective date.**—This act shall become effective July 1, 1979.

Approved May 18, 1978.



[S. B. 763]

**MILITARY AFFAIRS AND POLICE: Salaries of the Highway Patrol superintendent and personnel.**

AN ACT to repeal section 43.070, RSMo Supp. 1976, relating to the salaries of the highway patrol superintendent and personnel, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

43.070. Compensation of superintendent and personnel.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 43.070, RSMo, Supp. 1976, is repealed and one new section enacted in lieu thereof to be known as section 43.070, to read as follows:

**43.070. Compensation of superintendent and personnel.**—The annual salary of the superintendent shall be twenty-one thousand six hundred dollars. The annual salary of all other members of the Missouri state highway patrol shall be fixed by the superintendent not to exceed nineteen thousand five hundred dollars for the lieutenant colonel, eighteen thousand six hundred dollars for the majors, seventeen thousand seven hundred dollars for the captains and director of radio, sixteen thousand eight hundred dollars for the lieutenants and radio engineers, fifteen thousand nine hundred dollars for the sergeants, fifteen thousand dollars for the corporals, fourteen thousand four hundred dollars for the patrolmen first class and radio personnel, fourteen thousand one hundred dollars for the patrolmen and thirteen thousand eight hundred dollars for probationary patrolmen.

Approved May 18, 1978.

[H. B. 1048]

**MILITARY AFFAIRS AND POLICE: Uniforms, vehicles and equipment of the Highway Patrol.**

AN ACT to repeal section 43.130, RSMo 1969, relating to uniforms, vehicles and equipment of the highway patrol, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

43.130. Uniforms—allowance to members—vehicles and equipment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 43.130, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 43.130, to read as follows:

**43.130. Uniforms—allowance to members—vehicles and equipment.**—1. The superintendent shall prescribe a distinctive style of uniform and badge for members of the patrol to be made of the material and of the color he specifies, and it shall be unlawful for any person to wear the prescribed uniform or badge, or any distinctive part thereof, except on order of the superintendent. The uniform shall be purchased at the times the superintendent requires, and the superintendent shall fix a uniform allowance for such purpose for each member of the patrol.

2. The members of the patrol shall, at the expense of the state, be furnished

with the vehicles, equipment, arms, ammunition, supplies and insignia of office as the superintendent deems necessary, all of which shall remain the property of the state and be strictly accounted for by each member of the patrol. All such vehicles and equipment shall be distinctively marked, and all vehicles used by members of the patrol shall be distinctively lighted at night.

3. Members of the patrol shall wear their uniform and insignia of office at all times when on duty, unless otherwise designated by the superintendent.

Approved May 18, 1978.

[Revision S. B. 743]

**POLITICAL SUBDIVISIONS: Classification of counties.**

AN ACT to repeal sections 48.020, RSMo 1969, and 48.030, RSMo Supp. 1975, relating to the classification of counties and to changing classification, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
48.020. Classification of counties into four classes for the purpose of organization and powers.

**SECTION**

- 48.030. Change of classification, when effective.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 48.020, RSMo 1969, and 48.030, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 48.020 and 48.030, to read as follows:

**48.020. Classification of counties into four classes for the purpose of organization and powers.**—1. All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classes determined as follows:

**Class 1.** All counties having an assessed valuation of four hundred million dollars and over shall automatically be in the first class after that county has maintained such valuation for the time period required by section 48.030. All counties having an assessed valuation of three hundred million dollars and over shall be in the first class after that county has maintained such valuation for the time period required by section 48.030, unless a majority of the qualified electors of the county voting at an election held for that purpose elect to remain in the second class until the county achieves an assessed valuation of four hundred million dollars for the specified time period.

**Class 2.** All counties having an assessed valuation of one hundred twenty-five million dollars and less than the assessed valuation necessary for that county to be in the first class shall automatically be in the second class after that county has maintained such valuation for the time period required by section 48.030. All counties having an assessed valuation of seventy million dollars and over shall be in the second class after that county has maintained such valuation for the time period required by section 48.030, unless a majority of the qualified electors of the county voting at an election held for that purpose elect to remain in the third class until the county achieves an assessed valuation of one hundred twenty-five million dollars for the specified time period.

**Class 3.** All counties having an assessed valuation of ten million dollars and less than the assessed valuation necessary for that county to be in the second class

shall automatically be in the third class after that county has maintained such valuation for the time period required by section 48.030.

Class 4. All counties having an assessed valuation of less than ten million dollars shall be in the fourth class.

2. Whenever a county of the second class achieves an assessed valuation of three hundred million dollars or a county of the third class achieves an assessed valuation of seventy million dollars, it shall move into the next higher class after maintaining that valuation for the time period specified in section 48.030, unless the governing body of the county submits the question of remaining in the county's present class to a vote of the qualified electors of the county at the general election next following the certification by the state equalizing agency for the required number of successive years that the county possesses a valuation qualifying it to move to the higher class. The ballot of submission shall contain, but not be limited to, the following language:

☐ For the County remaining in the ..... Class.

☐ Against the County remaining in the ..... Class.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are against the county remaining in its present class, then at the beginning of the county fiscal year following the election, the county shall move into the higher class. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of remaining in the present class, the county shall remain in the class it is in at the time of the election and shall not move into the higher class unless and until such move is approved by a majority of the voters of the county or until the county achieves the assessed valuation necessary for an automatic move into that class as provided in subsection 1. If the voters vote for the county to remain in its present class, no further election shall be held on the proposal until the next succeeding state general or primary election.

**48.030. Change of classification, when effective.**—No county shall move from a lower class to a higher class until the assessed valuation of the county is such as to place it in the other class for five successive years; except that, a county of the second class may become a county of the first class if the assessed valuation of the county is such to place it in the first class for three successive years. The change from one classification to another shall become effective at the beginning of the county fiscal year following the next general election after the certification by the state equalizing agency for the required number of successive years that the county possesses an assessed valuation placing it in another class. If a general election is held between the date of the certification and the end of the current fiscal year, the change of classification shall not become effective until the beginning of the county fiscal year following the next succeeding general election. No county shall move from a higher class to a lower class if the sole reason for such move is that the assessed valuation necessary to attain the higher classification is raised above the level which was necessary for the county to attain the classification at the time the county attained such classification.

Approved May 3, 1978.

[H. C. S. S. B. 775]

**POLITICAL SUBDIVISIONS:** Compensation of county officials in first class counties.

AN ACT to repeal sections 49.080, 51.280, 52.320, 53.072, 54.240, 55.090, 56.261, 57.310, 59.220, 483.082 and 483.285, RSMo Supp. 1975, relating to the compensation of

county officials in first class counties, and to enact in lieu thereof seventeen new sections relating to the same subject, with expiration dates and effective dates for certain sections.

## SECTION

1. Enacting clause.
- 49.080. Compensation of county judges (certain first class counties).
- 51.280. Compensation of county clerks (certain first class counties)—duties—other compensation.
- 52.320. Compensation of county collectors (certain first class counties)—additional duty—deposit of contract fees.
- 53.072. Compensation of county assessors (certain first class counties)—deposit of contract fees—effective date.
- 53.075. Additional duty (certain first class counties).
- 53.076. Additional compensation (certain first class counties) — expiration date.
- 54.240. Compensation of county treasurers (certain first class counties)—effective date.
- 54.245. Additional duty (certain first class counties).

## SECTION

- 54.246. Additional compensation (certain first class counties) — expiration date.
- 55.090. Compensation of county auditors (certain first class counties and second class counties).
- 56.261. Compensation of prosecuting attorneys (certain first class counties).
- 57.310. Compensation of sheriffs (certain first class counties)—effective date.
- 57.311. Additional duty (certain first class counties).
- 57.312. Additional compensation (certain first class counties) — expiration date.
- 59.220. Compensation of recorders of deeds (certain first class counties—St. Louis City).
- 483.082. Additional duties and additional compensation (certain counties and St. Louis City)—calculation.
- 483.285. Compensation of circuit clerks (certain first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 49.080, 51.280, 52.320, 53.072, 54.240, 55.090, 56.261, 57.310, 59.220, 483.082 and 483.285, RSMo Supp. 1975 are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 49.080, 51.280, 52.320, 53.072, 53.075, 53.076, 54.240, 54.245, 54.246, 55.090, 56.261, 57.310, 57.311, 57.312, 59.220, 483.082 and 483.285 to read as follows:

**49.080. Compensation of county judges (certain first class counties).**—1. In counties of the first class not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more, each presiding judge of the county court shall receive as total compensation for his services an annual salary of twenty-five thousand dollars and each associate judge of the county court shall receive as total compensation for his services an annual salary of twenty thousand dollars.

2. In all other counties of the first class not having a charter form of government, the presiding judge of the county court shall receive as total compensation for his services an annual salary of seventeen thousand five hundred dollars and each associate judge of the county court shall receive as total compensation for his services an annual salary of fifteen thousand dollars.

**51.280. Compensation of county clerks (certain first class counties)—duties—other compensation.**—1. In all counties of class one not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more the clerk of the county court shall receive as compensation for all services performed by him an annual salary of twenty-two thousand dollars, and in all other counties of class one not having a charter form of government the clerk of the county court shall receive as compensation for all services performed by him an annual salary of twenty-one thousand dollars.

2. Such clerk of the county court is hereby required to prepare and issue all county licenses established by law, and collect the county fees therefor and remit the same to the county treasury, and he shall receive and retain no fees,

compensation or emoluments of whatever nature for the performance of any official duty other than the compensation prescribed by subsection 1.

**52.320. Compensation of county collectors (certain first class counties)—additional duty—deposit of contract fees.—1.** In all counties of class one not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more the collector of revenue shall receive as total compensation for all services performed by him an annual salary of twenty-two thousand dollars, and in all other counties of the first class not having a charter form of government the collector of revenue shall receive as total compensation for all services performed by him an annual salary of twenty-one thousand dollars, the salaries in each case to be paid out of the county treasury, except that in all such counties operating under the land tax collection law, having an assessed valuation of five hundred million dollars or more and in which data processing and central computing operations and procedures are used in the accounting and record-keeping of the office of the collector of revenue, and for the performance of the presently existing statutory duties and for such additional duties as set forth in this section, each collector of revenue shall receive an annual salary of not less than fifteen thousand dollars nor more than twenty-two thousand dollars.

2. The collector of revenue in counties using data processing systems of recordkeeping, except counties of the first class having a charter form of government, in addition to other duties provided by law, shall coordinate the purification of the tax data flows from the offices of the recorder, county clerk and assessor with that of the collector of revenue in cooperation with the data processing center handling such records.

3. In all counties of the first class not having a charter form of government in which the collector of revenue has entered into a contract with a constitutional charter city providing for the collection of municipal taxes by the collector, all fees for this service received from the city pursuant to the contract shall be paid into the county treasury.

**53.072. Compensation of county assessors (certain first class counties)—deposit of contract fees—effective date.—1.** Notwithstanding the provisions of section 53.071, the county assessor of each county of the first class not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more shall receive an annual salary for his services of twenty-two thousand dollars, and in all other counties of the first class not having a charter form of government the county assessor shall receive an annual salary for his services of twenty-one thousand dollars.

2. In all counties of the first class not having a charter form of government in which the assessor has entered into a contract with a constitutional charter city providing for the assessment of municipal taxes by the assessor, all fees for this service received from the city pursuant to the contract shall be paid into the county treasury.

3. This section shall become effective September 1, 1981.

**53.075. Additional duty (certain first class counties).—**In addition to the other duties prescribed by law, in all counties of the first class not having a charter form of government, the assessor shall annually submit a list of all new assessments made during the year within any city all or part of which is within the county.

**53.076. Additional compensation (certain first class counties)—expiration date.—1.** For the additional duties prescribed by section 53.075 each assessor in

such counties which have a population of one hundred fifty thousand inhabitants or more shall receive an annual salary of five thousand five hundred dollars, and each assessor in all other counties of the first class not having a charter form of government shall receive an annual salary of four thousand five hundred dollars, the salaries to be payable in the same manner as the assessor's other compensation is paid.

2. This section shall expire on September 1, 1981, and shall be of no force and effect on and after that date.

**54.240. Compensation of county treasurers (certain first class counties)—effective date.**—1. Each county treasurer in counties of class one not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more shall receive an annual salary of twenty-two thousand dollars. In all other counties of class one not having a charter form of government each county treasurer shall receive an annual salary of eighteen thousand dollars.

2. This section shall become effective January 1, 1981.

**54.245. Additional duty (certain first class counties).**—Each county treasurer in counties of class one not having a charter form of government shall receive and make duplicate receipts for all moneys received by the county from the federal government under the general revenue sharing law, Public Law 92-512. Each county treasurer shall separate and divide all funds received under that law, and shall establish a separate account therefor. He shall pay out the revenues thus separated on warrants issued by order of the county court, on the respective funds so separated, and not otherwise, and for this purpose the treasurer shall keep a separate account with the county court of such fund.

**54.246. Additional compensation (certain first class counties)—expiration date.**—1. For the additional duties imposed by the provisions of section 54.245, each treasurer in such counties which have a population of one hundred fifty thousand inhabitants or more shall receive, annually, additional compensation in the amount of eight thousand five hundred dollars, and in all other counties of class one not having a charter form of government each treasurer shall receive, annually, additional compensation in the amount of four thousand five hundred dollars, the additional compensation in each case to be paid in the same manner and from the same funds as the treasurer's other compensation is paid.

2. This section shall expire on January 1, 1981 and shall be of no force and effect on and after that date.

**55.090. Compensation of county auditors (certain first class counties and second class counties).**—1. In each county of the first class not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more the county auditor shall receive as compensation for the performance of his duties an annual salary of twenty-two thousand dollars, and in each other county of the first class not having a charter form of government the county auditor shall receive as compensation for the performance of his duties an annual salary of eighteen thousand dollars, the salaries in each case to be paid by the county in equal monthly installments.

2. In each county of the second class, the county auditor shall receive as compensation for the performance of his duties an annual salary of twelve thousand dollars. Payment of the salary provided for herein shall be payable in equal monthly installments by the county.

**56.261. Compensation of prosecuting attorneys (certain first class counties).**

—In counties of the first class not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more, the prosecuting attorney shall receive for his services an annual salary of thirty-five thousand dollars, and in all other counties of the first class not having a charter form of government, the prosecuting attorney shall receive for his services an annual salary of thirty thousand dollars.

**57.310. Compensation of sheriffs (certain first class counties)—effective date.**

—1. In all counties of class one not having a charter form of government, the sheriff shall receive as total compensation for all services performed by him an annual salary of twenty-five thousand dollars.

2. This section shall become effective January 1, 1981.

**57.311. Additional duty (certain first class counties).**—In all counties of the first class not having a charter form of government, the sheriff shall establish and make available an identification system for the identification of personal property. Anyone, upon application to the sheriff, shall be assigned an identification number to be composed of at least ten characters which will readily permit law enforcement officials of this state, in cooperation with officials in other states using interstate computerized law enforcement communication systems and other methods, to recover stolen property. The identification number should follow substantially the following form:

Mo	026	0001	D	→	M0026001D
↓	↓	↓	↓		
			First letter of last name of applicant		
		Applicant's assigned number			
	County National Crime Information Center assigned number				
Prefix for Missouri					

**57.312. Additional compensation (certain first class counties)—expiration date.**—1. For the additional duties imposed by section 57.311 the sheriff in such counties shall receive the sum of seven thousand five hundred dollars, which shall be payable in twelve equal monthly installments out of the county treasury and shall be in addition to all other compensation allowed by law to the sheriff.

2. This section shall expire on January 1, 1981, and shall be of no force and effect on and after that date.

**59.220. Compensation of recorders of deeds (certain first class counties—St. Louis City).**—1. Notwithstanding the provisions of section 50.334, RSMo, in all counties of class one not having a charter form of government and having a population of one hundred fifty thousand inhabitants or more, the recorder of deeds shall receive as total compensation for all services performed by him an annual salary of twenty-two thousand dollars, and in all other counties of class one not having a charter form of government, the recorder of deeds shall receive as total compensation for all services performed by him an annual salary of twenty-one thousand dollars.

2. In all cities having more than seven hundred thousand inhabitants, the recorder of deeds shall receive as total compensation an annual salary of eighteen thousand dollars.

**483.082. Additional duties and additional compensation (certain counties and St. Louis City)—calculation.**—1. Notwithstanding the provision of any other statute to the contrary, it shall be the duty of the clerks of the circuit courts, the circuit clerk-ex officio recorder of deeds or the clerk of court of common pleas of this state to keep, as the case may be, such records of the circuit courts and in such a manner as may be directed by rule of the supreme court so that they shall accurately record all essential matters relating to the causes and matters within the jurisdiction of the court which are and have been pending before the court, including pleadings, motions and related documents, transactions, orders and judgments or decrees related thereto showing the course and disposition of causes and matters, the taxing and collection of court costs, and the setting of trial calendars or dockets of pending cases.

2. Recognizing that improved methods and systems of keeping records and data have been and will continue to be developed from time to time and that the clerks of the circuit courts of this state should be empowered to utilize improved methods, systems and techniques of keeping records of essential matters, and notwithstanding the provisions of any other statute to the contrary, the methods, form and systems of keeping all such files and records shall be as directed and approved by rule of the supreme court.

3. Except in counties of the first class not having a charter form of government and counties of the first class having a charter form of government and not containing a city with a population of over four hundred thousand inhabitants, the circuit clerk in any county comprised wholly of a city with a population of over six hundred thousand, and the circuit clerk, the circuit clerk-ex officio recorder of deeds, or the clerk of court of common pleas, as the case may be, in all other counties shall receive additional compensation for the services performed by him under sections 109.140 and 483.082 the additional compensation which shall be computed on a combination population-assessed valuation basis as set forth in the following schedule:

Population	Salary	Assessed Valuation	Salary
2,000 to 3,000	\$775.00	0 to 10 million	\$450.00
3,001 to 4,000	787.50	10 million to 11 million	750.00
4,001 to 5,000	800.00	11 million to 12 million	787.50
5,001 to 6,000	812.50	12 million to 13 million	800.00
6,001 to 7,000	825.00	13 million to 14 million	812.50
7,001 to 8,000	837.50	14 million to 15 million	825.00
8,001 to 9,000	850.00	15 million to 16 million	837.50
9,001 to 10,000	862.50	16 million to 17 million	850.00
10,001 to 12,500	875.00	17 million to 18 million	862.50
12,501 to 15,000	887.50	18 million to 19 million	875.00
15,001 to 17,500	900.00	19 million to 20 million	887.50
17,501 to 20,000	912.50	20 million to 22½ million	912.50
20,001 to 25,000	925.00	22½ million to 25 million	937.50
25,001 to 30,000	937.50	25 million to 27½ million	962.50
30,001 to 35,000	950.00	27½ million to 30 million	987.50
35,001 to 40,000	975.00	30 million to 32½ million	1012.50
40,001 to 45,000	1000.00	32½ million to 35 million	1037.50



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Population	Salary	Assessed Valuation	Salary
45,001 to 50,000	1025.00	35 million to 37½ million	1062.50
50,001 to 60,000	1050.00	37½ million to 40 million	1087.50
60,001 to 70,000	1075.00	40 million to 42½ million	1112.50
70,001 to 80,000	1112.50	42½ million to 45 million	1137.50
80,001 to 90,000	1150.00	45 million to 47½ million	1162.50
90,001 to 100,000	1175.00	47½ million to 50 million	1187.50
100,001 to 125,000	1212.50	50 million to 55 million	1218.75
125,001 to 150,000	1250.00	55 million to 60 million	1250.00
150,001 to 175,000	1287.50	60 million to 65 million	1231.25
175,001 to 200,000	1325.00	65 million to 70 million	1312.50
200,001 to 225,000	1362.50	70 million to 75 million	1343.75
225,001 to 250,000	1400.00	75 million to 80 million	1375.00
250,001 to 300,000	1500.00	80 million to 85 million	1406.25
300,001 to 350,000	1600.00	85 million to 90 million	1437.50
350,001 to 400,000	1662.50	90 million to 95 million	1468.75
400,001 to 450,000	1725.00	95 million to 100 million	1500.00
450,001 to 500,000	1787.50	100 million to 125 million	1562.50
500,000 or more	1787.50	125 million to 150 million	1575.00
		150 million to 175 million	1612.50
		175 million to 200 million	1650.00
		200 million to 225 million	1687.50
		225 million to 250 million	1725.00
		250 million to 275 million	1762.50
		275 million or more	1800.00

4. The population factor shall be as disclosed by the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. Payment of the compensation provided for herein shall be payable in equal monthly installments by the county.

**483.285. Compensation of circuit clerks (certain first class counties).—**Notwithstanding the provisions of section 50.334, RSMo, each circuit clerk in counties of the first class not having a charter form of government shall receive as compensation for services performed by him an annual salary in an amount of twenty-two thousand dollars.

Approved June 14, 1978.

[S. S. No. 4 S. C. S. H. C. S. H. B. 1121 and 1257]

**POLITICAL SUBDIVISIONS: Compensation of certain local officials.**

AN ACT to repeal sections 49.090, 49.110, 49.120, 58.110, 82.390, and 82.520, RSMo 1963, and sections 50.334, 50.336, 54.250, 54.260, 56.065, 56.270, 483.082, 483.351, 485.060 and 485.065, RSMo Supp. 1975, and section 207.025, RSMo Supp. 1977,

relating to the compensation of certain local officials, and to enact in lieu thereof seventeen new sections relating to the same subject, with a termination date for one section and effective dates for certain sections.

SECTION	SECTION
1. Enacting clause.	56.270. Compensation (second class counties).
49.090. Compensation of county judges (second class counties).	58.110. Compensation (third class counties).
49.110. Compensation of county judges, third class counties—mileage allowance.	82.390. Compensation of license collector—appointment and compensation of deputies and employees (St. Louis City).
49.120. Compensation of county judges, fourth class counties—mileage allowance.	82.520. Compensation of city treasurer.
50.334. Recorder of deeds, compensation, certain counties.	207.025. Child support enforcement unit established—duties of—duties of prosecuting attorneys—compensation.
54.250. Compensation (second class counties).	483.082. Court records, how kept.
54.251. Additional duty—additional compensation—termination date.	483.083. Circuit clerks, compensation.
54.260. Compensation (certain third and fourth class counties).	485.060. Compensation of reporters.
56.065. Prosecuting attorney to devote full time to office (first class counties and certain second class counties).	485.065. Source of funds for reporter's salary.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 49.090, 49.110, 49.120, 56.110, 82.390, and 82.520, RSMo 1969, and sections 50.334, 50.336, 54.250, 54.260, 56.065, 56.270, 483.082, 483.351, 485.060 and 485.065, RSMo Supp. 1975, and section 207.025, RSMo Supp. 1977, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 49.090, 49.110, 49.120, 50.334, 54.250, 54.251, 54.260, 56.065, 56.270, 58.110, 82.390, 82.520, 207.025, 483.082, 483.083, 485.060 and 485.065, to read as follows:

**49.090. Compensation of county judges (second class counties).**—In counties of the second class, the judges of the county court shall receive as compensation an annual salary of ten thousand dollars.

**49.110. Compensation of county judges, third class counties—mileage allowance.**—In all counties of the third class having an assessed valuation of more than twenty million dollars and less than seventy million dollars the judges of the county court shall receive for their services five thousand five hundred dollars a year to be paid in equal monthly installments, and in all counties of the third class having an assessed value of seventy million dollars or more the judges shall receive for their services six thousand five hundred dollars per year, paid in equal monthly installments. In all other counties of the third class the judges of the county court shall receive for their services twenty dollars per day for each of the first ten days in any month that they are necessarily engaged in holding court and shall receive fifteen dollars per day for each additional day in any month that they are necessarily engaged in holding court, and all judges of the county court in all third class counties shall receive fifteen cents per mile for each mile necessarily traveled in going to and returning from the place of holding county court and for all other necessary travel on official business in the personal automobile of the judge presenting the claim. The per diem compensation herein fixed shall be paid at the end of each month and the mileage compensation shall be paid at the end of each month on presentation of a bill, by the respective county judge, setting forth the number of miles necessarily traveled.

**49.120. Compensation of county judges, fourth class counties—mileage allowance.**—In all counties of the fourth class in this state, the judges of the county court may receive for their services twenty dollars per day for the first ten days

they are necessarily engaged in holding court in each month and fifteen dollars per day for each day they are necessarily engaged in holding court thereafter in each month; and shall receive fifteen cents per mile for each mile necessarily traveled in going to and returning from the place of holding county court and for all other necessary travel on official business in the personal automobile of the judge presenting the claim. Any per diem fixed pursuant to this section shall be paid at the end of each month and the mileage shall be paid at the end of each month upon the presentation of a bill, by each county judge, setting forth the number of miles necessarily traveled.

**50.334. Recorder of deeds, compensation, certain counties.—1.** In all counties, except counties of the first class, having a population of less than five hundred thousand and an assessed valuation as prescribed in this section, each recorder of deeds, if his office be separate from that of the circuit clerk, shall receive as total compensation for all services performed by him an annual salary which shall be computed on a combination population-assessed valuation basis as set forth in the following schedule:

Population	Salary	Assessed Valuation	Salary
2,000 to 3,000	\$3875.00	Less than 10 million	\$6750.00
3,001 to 4,000	3975.50	10 million to 11 million	8350.00
4,001 to 5,000	4000.00	11 million to 12 million	8437.50
5,001 to 6,000	4062.50	12 million to 13 million	8500.00
6,001 to 7,000	4125.50	13 million to 14 million	8562.50
7,001 to 8,000	4187.50	14 million to 15 million	8625.00
8,001 to 9,000	4250.00	15 million to 16 million	8687.50
9,001 to 10,000	4312.50	16 million to 17 million	8750.00
10,001 to 12,500	4375.00	17 million to 18 million	8812.50
12,501 to 15,000	4437.50	18 million to 19 million	8875.00
15,001 to 17,500	4500.00	19 million to 20 million	8937.50
17,501 to 20,000	4562.50	20 million to 22½ million	9062.50
20,001 to 25,000	4625.00	22½ million to 25 million	9187.50
25,001 to 30,000	4687.00	25 million to 27½ million	9312.50
30,001 to 35,000	4750.00	27½ million to 30 million	9437.50
35,001 to 40,000	4875.00	30 million to 32½ million	9562.50
40,001 to 45,000	5000.00	32½ million to 35 million	9687.50
45,001 to 50,000	5125.00	35 million to 37½ million	9812.50
50,001 to 60,000	5250.00	37½ million to 40 million	9937.50
60,001 to 70,000	5375.00	40 million to 42½ million	10062.50
70,001 to 80,000	5562.50	42½ million to 45 million	10187.50
80,001 to 90,000	5750.00	45 million to 47½ million	10312.50
90,001 to 100,000	5875.00	47½ million to 50 million	10437.50
100,001 to 125,000	6062.50	50 million to 55 million	10593.50
125,001 to 150,000	6250.00	55 million to 60 million	10750.00
150,001 to 200,000	6437.50	60 million to 65 million	10906.25
200,001 to 225,000	6625.00	65 million to 70 million	11062.50

## POLITICAL SUBDIVISIONS

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Population	Salary	Assessed Valuation	Salary
225,001 to 250,000	6812.50	70 million to 75 million	11218.75
250,001 to 275,000	7000.00	75 million to 80 million	11375.00
275,001 to 300,000	7300.00	80 million to 85 million	11531.25
300,001 to 325,000	7500.00	85 million to 90 million	11687.50
325,001 to 350,000	7800.00	90 million to 95 million	11843.75
350,001 to 400,000	8312.50	95 million to 100 million	12000.00
400,001 to 450,000	8625.00	100 million to 125 million	12212.50
450,001 or more	9637.50	125 million to 150 million	12375.00
		150 million to 175 million	12562.50
		175 million to 200 million	12750.00
		200 million to 225 million	12937.50
		225 million to 250 million	13125.00
		250 million to 275 million	13312.50
		275 million or more	14750.00

2. The repeal of section 59.606 and the repeal and reenactment of section 50.334 shall be effective December 31, 1978.

**54.250. Compensation (second class counties).**—In all counties of the second class the county treasurer shall receive an annual salary of fifteen thousand dollars for his services as well as for duties imposed by section 54.145. This salary is in lieu of all fees, charges, commissions and emoluments of whatsoever kind due the county treasurer for services rendered by virtue of any statute of this state.

**54.251. Additional duty—additional compensation—termination date.**—1. In all counties of the second class, the county treasurer shall establish and administer a federal revenue sharing trust fund, and shall make a detailed report to the governing body of the county, upon its request, of the receipts into and expenditures out of the fund.

2. In addition to any other compensation provided by law, the county treasurer shall receive three thousand dollars per annum for the performance of the additional duties required by this section. The sum required to be paid under this section shall be paid in twelve equal monthly installments out of the county treasury.

3. The provisions of this section shall terminate January 1, 1981.

**54.260. Compensation (certain third and fourth class counties).**—1. The county treasurer in counties of the third and fourth class of this state, except counties under township organization, shall receive as total compensation for all services performed by him an annual salary which shall equal the sum of two variable amounts, one based upon the population of the county and the other based upon the assessed valuation of the county.

2. The amount of salary based upon population shall be computed according to the following schedule:

COUNTY POPULATION	AMOUNT OF SALARY
Less than 4,000	\$3780
4,000 to 5,000	3840
5,001 to 6,000	3900

6,001	to	7,000	3960
7,001	to	8,000	4020
8,001	to	9,000	4080
9,001	to	10,000	4140
10,001	to	12,500	4200
12,501	to	15,000	4260
15,001	to	17,500	4320
17,501	to	20,000	4380
20,001	to	25,000	4440
25,001	to	30,000	4500
30,001	to	35,000	4560
35,001	to	40,000	4680
40,001	to	45,000	4800
45,001	to	50,000	4920
50,001	to	60,000	5040
60,001	to	70,000	5160
70,001	to	80,000	5340
80,001	to	90,000	5520
90,001	to	100,000	5640
100,001	to	125,000	5820
125,001	to	150,000	6000
150,001	to	175,000	6180
175,001	to	200,000	6360
200,001	to	225,000	6540
225,001	to	250,000	6720
250,001	to	275,000	6960
275,001	to	300,000	7200
300,001	to	325,000	7440
325,001	to	350,000	7680
350,001	to	400,000	7980
400,001	to	450,000	8280
450,001	to	500,000	8580

3. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

ASSESSED VALUATION OF COUNTY	AMOUNT OF SALARY
Less than 10,000,000	2400
10,000,001 to 11,000,000	3720
11,000,001 to 12,000,000	3780
12,000,001 to 13,000,000	3840
13,000,001 to 14,000,000	3900
14,000,001 to 15,000,000	3960
15,000,001 to 16,000,000	4020
16,000,001 to 17,000,000	4080
17,000,001 to 18,000,000	4140
18,000,001 to 19,000,000	4200
19,000,001 to 20,000,000	4260
20,000,001 to 22,500,000	4380
22,500,001 to 25,000,000	4500
25,000,001 to 27,500,000	4620
27,500,001 to 30,000,000	4740
30,000,001 to 32,500,000	4860

32,500,001 to 35,000,000	4980
35,000,001 to 37,500,000	5100
37,500,001 to 40,000,000	5220
40,000,001 to 42,500,000	5340
42,500,001 to 45,000,000	5460
45,000,001 to 47,500,000	5580
47,500,001 to 50,000,000	5700
50,000,001 to 55,000,000	5850
55,000,001 to 60,000,000	6000
60,000,001 to 65,000,000	6150
65,000,001 to 70,000,000	6300
70,000,001 to 75,000,000	6450
75,000,001 to 80,000,000	6600
80,000,001 to 85,000,000	6750
85,000,001 to 90,000,000	6900
90,000,001 to 95,000,000	7050
95,000,001 to 100,000,000	7200
100,000,001 to 125,000,000	7380
125,000,001 to 150,000,000	7560
150,000,001 to 175,000,000	7740
175,000,001 to 200,000,000	7920
200,000,001 to 225,000,000	8100
225,000,001 to 250,000,000	8280
250,000,001 to 275,000,000	8460
275,000,001 or more ....	8640

**56.065. Prosecuting attorney to devote full time to office (first class counties and certain second class counties).—**Notwithstanding the provisions, of Section 56.360, the prosecuting attorney of every first class county and of counties of the second class having a population of more than one hundred thousand inhabitants, and of counties of the second class having a population of more than thirty thousand containing a part of a city having a population of more than four hundred thousand, and of counties of the second class having a population of more than eighty thousand at the 1970 decennial Census but less than ninety thousand, shall devote his full time to his office, and, except for the performance of official duties, shall not engage in the practice of law.

**56.270. Compensation (second class counties).—**The prosecuting attorney in all counties of the second class having a population of more than one hundred thousand inhabitants based on the 1970 Census, or in the counties of the second class having a population of more than thirty thousand based on the 1970 Census and containing part of a city having a population of more than four hundred and fifty thousand, and of counties of the second class having a population of more than eighty thousand but less than ninety thousand based on the 1970 Census shall receive for his service an annual salary of twenty-seven thousand five hundred dollars. The prosecuting attorney in all other counties of the second class shall receive for his services an annual salary of twenty-one thousand dollars.

**58.110. Compensation (third class counties).—**The coroner in all counties of the third class shall receive for his services annually the following: In counties with a population of less than ten thousand, the sum of four hundred eighty dollars; in counties with a population of ten thousand and less than fifteen thousand, the sum of seven hundred twenty dollars; in counties with a population

of fifteen thousand and less than twenty thousand, the sum of nine hundred sixty dollars; in counties with a population of twenty thousand and less than twenty-four thousand, the sum of fourteen hundred forty dollars; in counties with a population of twenty-four thousand and less than thirty thousand, the sum of nineteen hundred twenty dollars; and in counties having a population of thirty thousand and more, the sum of two thousand four hundred dollars.

**82.390. Compensation of license collector—appointment and compensation of deputies and employees (St. Louis City).—**1. The license collector of the city of St. Louis shall receive a salary of twenty-five thousand dollars per year, payable biweekly by the city treasurer.

2. The license collector may appoint one chief deputy, and one assistant deputy license collector, either of whom, in the absence for any cause of the license collector, may perform all the duties of the license collector. The license collector may appoint a cashier, an assistant cashier, a secretary, and such other clerks, account clerks and inspectors as are required by the license collector to properly and efficiently perform the duties of his office when such positions are approved by the board of estimate and apportionment of such city.

3. The salaries and compensation of the employees shall not exceed the following amounts: Chief deputy, twenty thousand dollars per year; assistant deputy license collector, fourteen thousand dollars per year; cashier, twelve thousand five hundred dollars per year; assistant cashier, ten thousand dollars per year; secretary, ten thousand five hundred dollars per year; account clerk II's, ten thousand dollars per year; account clerk I's, seven thousand eight hundred dollars per year; clerk II's, eight thousand dollars per year; clerk I's, five thousand dollars per year; inspectors, nine thousand dollars per year, all payable biweekly by the city treasurer of said city.

4. The license collector, deputy license collector and clerks may administer oaths in the transaction of the business of the office. The license collector and his sureties are responsible for the official acts of all employees appointed by him.

**82.520. Compensation of city treasurer.—**The salary of the city treasurer shall be thirteen thousand dollars per annum. The salary of the city treasurer, and the salaries of his deputies, clerks, and assistants, shall be paid out of the city treasury, in equal semimonthly installments.

**207.025. Child support enforcement unit established—duties of—duties of prosecuting attorneys—compensation.—**1. There is established within the division of family services a single and separate organizational unit to administer the state plan for child support enforcement; provided, however, that the duty under the state plan to litigate or prosecute support actions shall be performed by the appropriate prosecuting attorney and provided that the division of family services shall fully utilize existing IV-A division staff to perform child support enforcement duties where so approved by the Department of Health, Education and Welfare and where consistent with federal requirements as specified in PL 93-647 and 45 CRF, Section 303.20. For the purpose of utilizing the resources of counties in the enforcement and collection of support obligations under the state plan, the director shall enter into cooperative agreements with county governing bodies, circuit courts and circuit clerks and prosecuting attorneys. The contracts to be executed shall provide, as a minimum, for the following:

a. For the governing body of the city or county to hire such additional stenographic secretarial and administrative assistants as may be required to administer this act within that jurisdiction; and

b. For the county or city upon recommendation of the prosecuting attorney

to hire such additional assistant prosecuting attorneys as may be required to administer this act within that jurisdiction;

c. For the city or county to furnish office space and other administrative requirements for the proper administration of this act within that jurisdiction; and

d. For the reimbursement by the state from moneys received from the federal government of costs associated with enforcement of this act by the county or city at the applicable rate to be paid at least monthly and when properly authenticated vouchers are submitted by the county or city, such payments to be made not later than ten days from the date of submission of the vouchers.

2. Limitations set out in chapter 56 RSMo with regard to salaries and the number of assistant prosecuting attorneys and with regard to the stenographic or administrative personnel shall not apply and the county or city governing body shall appropriate such funds as are required to compensate such additional staff for implementing the provisions of this act.

3. With the approval of the county or city governing body and for the purpose of investigating child support cases, the prosecuting attorney or circuit attorney may employ such investigators as may be required to properly administer the provisions of this act.

4. The director of the division shall render child support enforcement services to persons who are not recipients of public assistance as well as to such recipients. An application shall be filed with the division for services, and an application fee may be required by the division. An additional fee for expenses incurred in excess of the application fee may be required by the division in providing services; provided, however, that any additional fee shall not exceed ten percent of any support money recovered and provided that the amount of the fee shall be agreed to by the applicant in writing. Expenses incurred by a county under cooperative agreement with the division in the prosecuting attorney's office or in the circuit clerk's office in enforcing or collecting a child support obligation in any civil litigation or other noncriminal proceeding for a person who is not a recipient of public assistance, but who has made an application with the division for child support enforcement services shall be construed as expenses incurred by the division. The application fee and any additional fee may be deducted from the support recovered. Fees collected pursuant to this subsection shall be deposited in the child support enforcement fund in the state treasury.

5. Each prosecuting attorney in this state, as an official duty of such office, shall litigate or prosecute any action necessary to secure support for any person referred to such office by the division of family services, including, but not limited to reciprocal actions under chapter 454, RSMo, actions to enforce obligations owed to the state under an assignment of support rights and actions to establish the paternity of a child for whom support is sought.

6. In all cases where a prosecuting attorney is required to file an information or is required under the provisions of Section 2, subsection 5 of this act to litigate or prosecute an action necessary to secure child support, and the information is not filed or the action commenced within ten days of the receipt of the complaint alleging the offense or the receipt of the referral from the division of family services, the associate circuit judge of the county or, where there is more than one associate circuit judge of a county or city not within a county an associate circuit designated for such purpose by the presiding judge of the circuit, shall meet with the prosecuting attorney regarding his intention in the case. At the meeting the prosecuting attorney shall provide the associate circuit judge with a statement, under oath, specifying the prosecutor's intentions regarding the disposition of the case in question. If the prosecu-



ing attorney states that he does not intend to file the information or to litigate or prosecute the child support action, or if the prosecuting attorney states that he does intend to file the information or to litigate or prosecute the action under section 543.020 and 543.050, RSMo, but fails to do so within sixty days following the meeting, the associate circuit judge shall forward to the governor a statement of his findings as to the facts regarding the intention of the prosecuting attorney and shall recommend to the governor the appointment of a special prosecuting attorney to discharge the duties of the prosecuting attorney in the particular case involved. Within ten days of the receipt of the statement of findings and the recommendations from the associate circuit judge, the governor shall appoint a special prosecuting attorney for the sole purpose of discharging the duties of the prosecuting attorney in the particular case. The appointment of a special prosecuting attorney under this subsection shall terminate upon the completion of the particular case for which he was appointed including post trial motions and appeals.

7. Each special prosecuting attorney appointed by the governor as provided in section 2, subsection 6 of this act shall possess the same powers as the prosecuting attorney in the particular case involved and shall receive as compensation for this service, an amount of twenty dollars per hour out of court and thirty dollars per hour in court for each hour actually spent in the prosecution or litigation of the particular case. Such compensation shall be paid by the county and deducted from the amount due prosecuting attorneys under the provisions of Section 24 subsection 8 of this act.

8. For the performance of the additional duties imposed by this section, each prosecuting attorney in counties of the third and fourth class shall receive additional annual compensation of four thousand five hundred dollars; each prosecuting attorney in counties of the second class shall receive additional annual compensation of two thousand dollars; each prosecuting attorney in counties of the first class without a charter form of government shall receive additional annual compensation of one thousand dollars; each circuit attorney in cities not contained within a county shall receive additional annual compensation of seven thousand five hundred dollars. The additional annual compensation for prosecuting attorneys and circuit attorneys provided for in this section shall be paid with county funds or city funds, provided, however, that the state shall reimburse the counties or cities for funds expended for the additional annual compensation to the extent that incentive payments made to a county or city by the division of family services pursuant to the terms of cooperative agreements are insufficient to pay for the additional annual compensation. The governing body in each county or city shall submit a monthly billing to the office of administration listing the amount of incentive payment moneys received and listing the amount of money owing to the county or city as reimbursement for the additional annual compensation for the prosecuting attorney or circuit attorney. The office of administration shall pay such sum monthly from the amount of money appropriated specifically for such purpose by the General Assembly. In the absence of a cooperative agreement between the county or city and in division of family services, the additional annual compensation provided for in this section shall be paid with county or city funds entirely and not with state funds.

9. Each county shall cooperate with the division of family services in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney and the circuit clerk to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or

to the transmittal of support moneys to the division for deposit in the child support enforcement fund in the state treasury.

10. The term "prosecuting attorney" as used in this section and section 208.040, RSMo, with reference to the city of St. Louis, means the circuit attorney.

11. The repeal and reenactment of section 207.025 shall be effective December 31, 1978.

**483.082. Court records, how kept.—1.** Notwithstanding the provision of any other statute to the contrary, it shall be the duty of the clerks of all courts to keep such records of the courts and in such a manner as may be directed by rule of the supreme court so that they shall accurately record all essential matters relating to the causes and matters within the jurisdiction of the court which are and have been pending before the court, including pleadings, motions and related documents, transactions, orders and judgments or decrees related thereto showing the course and disposition of causes and matters, the taxing and collection of court costs, and the setting of trial calendars or dockets of pending cases.

2. Recognizing that improved methods and systems of keeping records and data have been and will continue to be developed from time to time and that all court clerks should be empowered to utilize improved methods, systems and techniques of keeping records of essential matters, and notwithstanding the provisions of any other statute to the contrary, the methods, form and systems of keeping all such files and records shall be as directed and approved by rule of the supreme court.

**483.083. Circuit clerks, compensation.—1.** Circuit clerks shall be entitled to the aggregate of the compensation set forth in this section.

2. In addition to compensation otherwise provided, the circuit clerk of the City of St. Louis and the circuit clerk or the circuit clerk-ex officio recorder of deeds in all counties except counties of the first class shall receive compensation which shall be computed on a combination population-assessed valuation basis as set forth in the following schedule:

Population	Salary	Assessed Valuation	Salary
2,000 to 3,000	\$3875.00	Less than 10 million	\$6750.00
3,001 to 4,000	3975.50	10 million to 11 million	8350.00
4,001 to 5,000	4000.00	11 million to 12 million	8437.50
5,001 to 6,000	4062.50	12 million to 13 million	8500.00
6,001 to 7,000	4125.50	13 million to 14 million	8562.50
7,001 to 8,000	4187.50	14 million to 15 million	8625.00
8,001 to 9,000	4250.00	15 million to 16 million	8687.50
9,001 to 10,000	4312.50	16 million to 17 million	8750.00
10,001 to 12,500	4375.00	17 million to 18 million	8812.50
12,501 to 15,000	4437.50	18 million to 19 million	8875.00
15,001 to 17,500	4500.00	19 million to 20 million	8937.50
17,501 to 20,000	4562.50	20 million to 22½ million	9062.50
20,001 to 25,000	4625.00	22½ million to 25 million	9187.50
25,001 to 30,000	4687.00	25 million to 27½ million	9312.50
30,001 to 35,000	4750.00	27½ million to 30 million	9437.50

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Population	Salary	Assessed Valuation	Salary
35,001 to 40,000	4875.00	30 million to 32½ million	9562.50
40,001 to 45,000	5000.00	32½ million to 35 million	9687.50
45,001 to 50,000	5125.00	35 million to 37½ million	9812.50
50,001 to 60,000	5250.00	37½ million to 40 million	9937.50
60,001 to 70,000	5375.00	40 million to 42½ million	10062.50
70,001 to 80,000	5562.50	42½ million to 45 million	10187.50
80,001 to 90,000	5750.00	45 million to 47½ million	10312.50
90,001 to 100,000	5875.00	47½ million to 50 million	10437.50
100,001 to 125,000	6062.50	50 million to 55 million	10593.50
125,001 to 150,000	6250.00	55 million to 60 million	10750.00
150,001 to 200,000	6437.50	60 million to 65 million	10906.25
200,001 to 225,000	6625.00	65 million to 70 million	11062.50
225,001 to 250,000	6812.50	70 million to 75 million	11218.75
250,001 to 275,000	7000.00	75 million to 80 million	11375.00
275,001 to 300,000	7300.00	80 million to 85 million	11531.25
300,001 to 325,000	7500.00	85 million to 90 million	11687.50
325,001 to 350,000	7800.00	90 million to 95 million	11843.75
350,001 to 400,000	8312.50	95 million to 100 million	12000.00
400,001 to 450,000	8625.00	100 million to 125 million	12212.50
450,001 or more	9637.50	125 million to 150 million	12375.00
		150 million to 175 million	12562.50
		175 million to 200 million	12750.00
		200 million to 225 million	12937.50
		225 million to 250 million	13125.00
		250 million to 275 million	13312.50
		275 million or more	14750.00

The population factor shall be as disclosed by the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation.

3. In addition to the compensation otherwise provided, the circuit clerk of the city of St. Louis shall receive the sum of fifteen hundred dollars per year.

4. In addition to compensation otherwise provided, the circuit clerk in any county of the second class court is held in two cities shall receive the sum of three thousand dollars per year.

5. In addition to the compensation otherwise provided, the circuit clerk serving district no. 1 of the circuit court of Marion County and the clerk serving district no. 2 of the circuit court of Marion County shall each receive the sum of fifteen hundred dollars per year. In the event the judge orders child support payments in Marion County to be made through the clerk, the clerk shall annually on or before February 1 of each year charge ten dollars per year to each such person so obligated to make child support payments, which fee shall be paid to the county general revenue fund for so long as such clerk

is paid by the county and shall be paid to the state if such clerk is paid by the state.

6. In addition to compensation otherwise provided, the clerk of district number 2 of the circuit court of Marion County shall receive the sum of two thousand dollars per year.

7. In addition to the compensation otherwise provided, the clerk of district number 2 of the circuit court of Marion County and the circuit clerk of Cape Girardeau County shall receive the sum of three hundred dollars per year.

8. Compensation payable to circuit clerks in first class counties shall be payable as otherwise provided by law.

9. Payment of the compensation provided in this section shall be payable in equal monthly installments, except that the salary of the circuit clerk of the city of St. Louis shall be paid in semimonthly installments.

10. The compensation provided in this section shall be in lieu of all fees, and all fees collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise provided by law.

11. The repeal of sections 50.336, 483.250, 483.351, 483.455, and 483.470 shall be effective December 3, 1978. The repeal and reenactment of section 483.082 shall be effective December 31, 1978. Section 483.083 shall become effective December 31, 1978.

**485.060. Compensation of reporters.**—The court reporter for a circuit judge shall receive an annual salary of twenty-two thousand five hundred dollars, payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed.

**485.065. Source of funds for reporter's salary.**—Eleven thousand two hundred fifty dollars of the salary of the court reporter shall be paid out of the county treasury and eleven thousand two hundred fifty dollars out of the state treasury. Where a judicial circuit is composed of more than one county, the county part of the salary, or salaries if there be more than one reporter, shall be divided among the counties and be paid by them proportionately as the population of each county bears to the entire population of the circuit.

Approved June 13, 1978.

[S. B. 779]

#### **POLITICAL SUBDIVISIONS: Assessors of property for purposes of taxation.**

**AN ACT** relating to assessors of property for purposes of taxation and amending chapter 53, RSMo, and chapter 65, RSMo, by inserting in each of such chapters two new sections providing additional duties and compensation for certain county and township assessors.

##### **SECTION**

1. Enacting clause.
- 53.075. Additional duty (except first class counties).

##### **SECTION**

- 53.076. Additional compensation (except first class counties).
- 65.246. Additional duty.
- 65.247. Additional compensation, how computed.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Chapters 53 and 65, RSMo, are amended by inserting therein four new sections to be known as sections 53.075, 53.076, 65.246, and 65.247, to read as follows:

**53.075. Additional duty (except first class counties).**—Each county assessor in all counties except counties of the first class with or without a charter form of government shall, in addition to all other duties provided by law, place identification numbers, letters or names of all school districts and other political subdivisions authorized by law to levy a tax in proper columns provided therefor on the land list and personal property list.

**53.076. Additional compensation (except first class counties).**—As compensation for the extra duties imposed by section 53.075, each county assessor shall receive, in addition to all other compensation provided by law, the sum of three thousand six hundred dollars annually paid in equal monthly installments out of the county treasury at the same time and in the same manner as the other compensation for county assessors.

**65.246. Additional duty.**—Each township assessor in each township organization county shall, in addition to all other duties provided by law, place identification numbers, letters or names of all school districts and other political subdivisions authorized by law to levy a tax in proper columns provided therefor on the land list and personal property list.

**65.247. Additional compensation, how computed.**—As compensation for the extra duties imposed by section 65.246, each township assessor shall receive, in addition to all other compensation provided by law, an amount that is in the same proportion to three thousand six hundred dollars that the number one is to the total number of township assessors in his county, except that in no event shall the amount be less than two hundred dollars nor more than three hundred dollars. The amount shall be paid at the same time and in the same manner as the other compensation for the township assessor.

Approved April 25, 1978.

[S. B. 769]

**POLITICAL SUBDIVISIONS: Circuit and prosecuting attorneys and county counselors.**

AN ACT to repeal section 56.270, RSMo Supp. 1975, relating to circuit and prosecuting attorneys and county counselors and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
56.270. Compensation, second class counties.

**SECTION**

- 56.660. Special county counselors—employment—compensation—qualifications (certain first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 56.270, RSMo Supp. 1975, is repealed and two new sections enacted in lieu thereof, to be known as Sections 56.270 and 56.660, to read as follows:

**56.270. Compensation, second class counties.**—The prosecuting attorney in all counties of the second class having a population of more than one hundred thousand inhabitants based on the 1970 census, or in a county of the second class having a population of more than thirty thousand based on the 1970 census and containing part of a city having a population of more than four hundred fifty thousand, and of counties of the second class having a population of more than eighty thousand but less than ninety thousand based on the 1970 census,

shall receive for his services an annual salary of twenty-seven thousand five hundred dollars. The prosecuting attorney in all other counties of the second class shall receive for his services an annual salary of nineteen thousand dollars.

**56.660. Special county counselors—employment—compensation—qualifications (certain first class counties).**—In all counties of the first class not having a charter form of government and containing all or part of a city with a population of over four hundred thousand inhabitants, the county counselor may, with the approval of the governing body of such county, employ special county counselors to represent such county in prosecuting or defending any suit by or against such county, or any official of such county acting in his official capacity. The county counselor may pay such special county counselors a reasonable compensation, which shall be fixed by the governing body of such county and paid out of such funds as the governing body may direct, for their services. Special county counselors employed under this section shall have the same qualifications required for county counselors under the provisions of section 56.631.

Approved June 14, 1978.

[H. B. 1052]

**POLITICAL SUBDIVISIONS: Fees collected by prosecuting attorneys.**

**AN ACT** to repeal section 56.310, RSMo 1969, relating to fees collected by prosecuting attorneys, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

56.310. Prosecuting attorney, fees.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 56.310, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 56.310, to read as follows:

**56.310. Prosecuting attorney, fees.**—Prosecuting attorneys shall be allowed fees as follows, unless in cases where it is otherwise directed by law: For collections on recognizances given to the state in criminal cases, and which are or may become forfeited, twenty-five percent on all sums collected, if not more than five hundred dollars, and fifteen percent on all sums over five hundred dollars, to be paid out of the amount collected; for judgments upon any proceedings of a criminal nature, otherwise than by indictment or information, ten dollars; for the conviction of every defendant in the circuit court, upon indictment or information, or before a magistrate court, upon information, when the punishment assessed by the court or jury or magistrate shall be fine or imprisonment in the county jail, or by both such fine and imprisonment, ten dollars; for the conviction of every defendant in any case where the punishment assessed shall be by confinement in the penitentiary, except in cases of rape, arson, burglary, robbery, forgery or counterfeiting, sixty dollars; for the conviction of every defendant of homicide, other than capital, or for offenses excepted in the last clause, seventy-five dollars; for the conviction of every defendant in a capital case, one hundred fifty dollars; for his services in all actions which it is or shall be made his duty by law to prosecute or defend, ten dollars. No fee shall be allowed for obtaining judgment on a forfeited recognizance, unless the whole

or a part thereof is collected, nor shall any fee be allowed when an indictment or any other proceeding of a criminal nature shall be quashed or held bad on demurrer, or judgment therein arrested by reason of the insufficiency of the indictment.

Approved June 12, 1978.

[S. B. 700]

**POLITICAL SUBDIVISIONS: Duties and compensation of certain employees of certain circuit attorneys.**

AN ACT to repeal section 56.540, RSMo Supp. 1975, relating to the duties and compensation of certain employees of certain circuit attorneys, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

56.540. Circuit attorney—assistants, investigators, clerical employees—duties—oath—compensation—approval of appointments.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 56.540, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 56.540, to read as follows:

**56.540. Circuit attorney—assistants, investigators, clerical employees—duties—oath—compensation—approval of appointments.**—1. The circuit attorney of such circuit may appoint one first assistant circuit attorney, one chief trial assistant, one warrant officer and such additional assistant circuit attorneys as the circuit attorney deems necessary for the proper administration of his office, except that the number of assistant circuit attorneys shall not be less than twenty-three. The appointments shall be in writing and shall be approved by a majority of the judges of the criminal divisions of the circuit court of the circuit and, when so approved, shall be entered upon the minutes of the divisions of the circuit exercising criminal jurisdiction.

2. The circuit attorney may also appoint one chief clerk, one chief investigator and five grand jury reporters, and as many clerks, criminal legal investigators, reporters, and stenographers as he deems necessary for the proper administration of his office, except that the number of such additional clerks, criminal legal investigators, reporters, and stenographers shall not be less than twenty-five. It is the duty of the clerks, reporters and stenographers to act as clerks, reporters and stenographers for the circuit attorney and, when so directed by him, the reporters and stenographers shall take down and transcribe, for his use, evidence before the grand jury or before any court of the circuit exercising criminal jurisdiction, or before the coroner at any inquest. Before taking down any evidence before the grand jury, the reporters and stenographers shall be sworn to secrecy and shall not divulge any testimony which they may hear except to the circuit attorney, or when lawfully required to do so in a court of record. The clerk, reporters and stenographers shall also perform other services as the circuit attorney may direct. The first assistant circuit attorney shall be paid a salary not to exceed twenty-five thousand dollars per year; one chief trial assistant a salary not to exceed twenty-five thousand dollars per year; one warrant officer a salary not to exceed twenty-five thousand dollars per year. All additional assistant

circuit attorneys shall each be paid a salary of not less than twelve thousand dollars nor more than twenty-four thousand five hundred dollars per year as the circuit attorney may direct.

3. The chief clerk shall receive a salary not to exceed seventeen thousand five hundred dollars per year; the five grand jury reporters shall each receive a salary not to exceed thirteen thousand dollars per year; and the additional clerks, stenographers, and reporters authorized by this section shall each receive salaries of not less than seven thousand two hundred dollars nor more than eleven thousand dollars per year as the circuit attorney may direct.

4. The chief investigator shall be paid a salary of not less than sixteen thousand dollars nor more than eighteen thousand dollars per year as the circuit attorney may direct.

5. The criminal legal investigators shall be paid a salary of not less than nine thousand dollars nor more than fifteen thousand dollars per year as the circuit attorney may direct.

6. All salaries shall be paid on a biweekly basis.

7. Appointments by the circuit attorney of assistant circuit attorneys, clerks, stenographers, reporters, criminal legal investigators, and all other personnel, in excess of the minimum numbers authorized by this section, shall be subject to the approval of the board of estimate and apportionment of the city of St. Louis.

Approved May 31, 1978.

[S. B. 752]

#### **POLITICAL SUBDIVISIONS: Compensation of sheriffs in certain counties.**

AN ACT to repeal section 57.407, RSMo 1969, and section 57.339, RSMo Supp. 1977, relating to the compensation of sheriffs in certain counties and to enact in lieu thereof three new sections relating to the same subject.

#### **SECTION**

1. Enacting clause.
- 57.339. Sheriff to establish personal property identification system—compensation for extra duties (second class counties).
- 57.407. Additional duty, report, recommendations required — additional compensation (third class counties).

#### **SECTION**

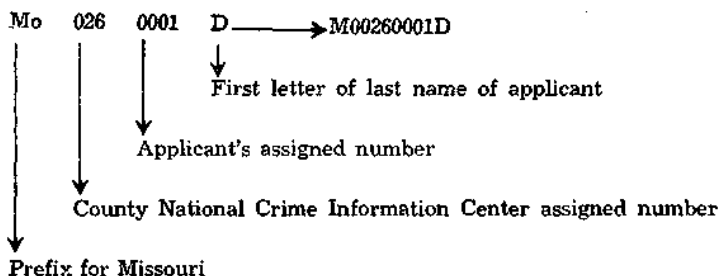
- 57.408. Sheriff to establish personal property identification system—compensation for extra duties (first class noncharter, third and fourth class counties, St. Louis City).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 57.407, RSMo 1969, and section 57.339, RSMo Supp. 1977 are repealed and three new sections enacted in lieu thereof, to be known as sections 57.339, 57.407 and 57.408, to read as follows:

**57.339. Sheriff to establish personal property identification system—compensation for extra duties (second class counties).**—1. In all counties of the second class, the sheriff shall establish and make available an identification system for the identification of personal property. Anyone, upon application to a sheriff, shall be assigned an identification number to be composed of at least ten characters which will readily permit law enforcement officials of this state, in cooperation with officials in other states using interstate computerized law enforcement communication systems and other methods to recover stolen property. The identification number should follow substantially the following form:





New owners of any marked property should be encouraged by the sheriff to mark their identification number below the previous owner's mark for uniformity and ease of identification. The sheriff shall report annually to the circuit clerk, during the month of January, for the past calendar year, the number of identification numbers assigned by him.

2. The sheriff shall receive, annually, for the additional duties imposed by subsection 1 of this section and in addition to all other compensation allowed by law, the sum of four thousand eight hundred dollars, payable in twelve equal monthly installments out of the county treasury.

**57.407. Additional duty, report, recommendations required—additional compensation (third class counties).—**1. The sheriff in counties of the third class shall on January first of each year and every three months thereafter file with the circuit court of the county a report on the conditions of the county jail, the number of prisoners confined in the jail, together with recommendations relating to its operation.

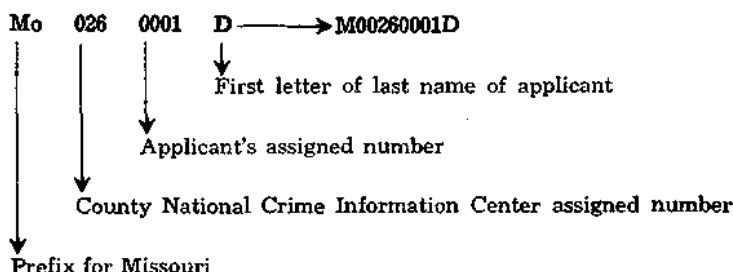
2. In addition to the salary, travel expenses, reimbursement expenses, and any other compensation now provided by law, the sheriff in each county of the third class, for the performance of these duties, shall receive the following sums per year: In counties having a population of less than seven thousand five hundred, the sum of six thousand eight hundred dollars; in counties having a population of seven thousand five hundred and less than ten thousand, the sum of seven thousand one hundred dollars; in counties having a population of ten thousand and less than eleven thousand five hundred the sum of seven thousand four hundred dollars; in counties having a population of eleven thousand five hundred and less than fifteen thousand, the sum of seven thousand seven hundred dollars; in counties having a population of fifteen thousand and less than twenty-four thousand, the sum of seven thousand nine hundred dollars; in counties having a population of twenty-four thousand and less than thirty thousand, the sum of seven thousand eight hundred dollars; and in counties having a population of thirty thousand and more, the sum of seven thousand five hundred dollars, payable in twelve equal monthly installments out of the county treasury, by warrants drawn by the county court upon the county treasury.

3. In counties of the third class after October 13, 1969, the sheriff shall pay all fees collected by him in civil matters, and which were previously retainable by him, into the county treasury, except charges for each mile traveled, allowable to him, which he may retain, in serving civil process.

4. Notwithstanding other provisions of this section the total compensation of sheriffs of counties of the third class with an assessed valuation of less than twenty million dollars shall not exceed thirteen thousand and nine hundred dollars, excluding mileage.

**57.408. Sheriff to establish personal property identification system—com-**

compensation for extra duties (first class noncharter, third and fourth class counties, St. Louis City).--1. Sheriffs in all counties, except counties having a charter form of government, or in any city not within a county, shall establish and make available an identification system for the identification of personal property. Anyone, upon application to a sheriff, shall be assigned an identification number to be composed of at least ten characters which will readily permit law enforcement officials of this state, in cooperation with officials in other states using interstate computerized law enforcement communication systems and other methods to recover stolen property. The identification number should follow substantially the following form:



New owners of any marked property should be encouraged by the sheriff to mark their identification number below the previous owner's mark for uniformity and ease of identification. The sheriff of any city not within a county shall identify each application for a weapon permit as provided in Section 564.630 with the applicant's identification number of the police department in said city.

2. In addition to the salary, travel expenses, reimbursement expenses, and any other compensation provided by law, for the performance of the additional duties required under this section.

(1) The sheriff of any city not within a county shall receive for such services a sum not to exceed four thousand five hundred dollars per annum and shall be paid out of the treasury of the city in equal semimonthly installments;

(2) The sheriff in all counties of the third class shall receive per year: In counties having a population of less than seven thousand five hundred, the sum of three thousand seven hundred and fifty dollars; in counties having a population of seven thousand five hundred and less than ten thousand, the sum of three thousand nine hundred dollars; in counties having a population of ten thousand and less than eleven thousand five hundred, the sum of four thousand fifty dollars; in counties having a population of eleven thousand five hundred and less than fifteen thousand, the sum of four thousand two hundred dollars; in counties having a population of fifteen thousand and less than twenty-four thousand, the sum of four thousand three hundred and fifty dollars; in counties having a population of twenty-four thousand and less than thirty thousand, the sum of four thousand five hundred dollars; and in counties having a population of thirty thousand and more, the sum of four thousand five hundred dollars. All sums shall be paid in twelve equal monthly installments out of the county treasury;

(3) The sheriff in all counties of the fourth class shall receive per year: In counties having a population of less than seven thousand five hundred, the sum of two thousand two hundred and fifty dollars; in counties having a population of seven thousand five hundred and less than ten thousand, the sum of two thousand four hundred dollars; in counties having a population of ten thousand and less than eleven thousand five hundred, the sum of two thousand five hundred fifty

dollars; in counties having a population of eleven thousand five hundred and less than thirteen thousand, the sum of two thousand seven hundred dollars; in counties having a population of thirteen thousand and less than fifteen thousand, the sum of two thousand eight hundred and fifty dollars; in counties having a population of fifteen thousand and more, the sum of three thousand dollars. All sums shall be paid in twelve equal monthly installments out of the county treasury.

Approved June 12, 1978.

[H. B. 1823]

**POLITICAL SUBDIVISIONS: Licenses granted by building commissions.**

AN ACT to repeal section 64.190, RSMo 1969, relating to certain licenses granted by building commissions in first and second class counties and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

64.190. Building commission — powers — exception (certain counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 64.190, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 64.190, to read as follows:

**64.190. Building commission—powers—exception (certain counties).**—Said commission or such members thereof as are designated under the regulations adopted by the county court shall be authorized to examine all applicants for a license to engage in electrical wiring or installation work and shall have authority under said regulations to revoke or suspend any license issued for refusal or failure to comply with the regulations adopted and any person, firm or corporation licensed under the provisions of section 64.170 to 64.200 shall be authorized to make electrical installation in any municipality in the county and be subject to the inspection requirements contained in the regulations adopted hereunder and shall not be licensed by any city, town or village in said county; provided, that the provisions of sections 64.170 to 64.200 shall not apply to any city having or that may hereafter have a population of more than one hundred and twenty thousand inhabitants.

Approved June 12, 1978.

[S. S. H. B. 1642]

**POLITICAL SUBDIVISIONS: County sales tax.**

AN ACT to repeal section 66.600 RSMo Supp. 1977, relating to a county sales tax, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SECTION**

1. Enacting clause.

66.600. County sales tax authorized, when—form of ballot—rate—bracket (St. Louis County).

**SECTION**

A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 66.600, RSMo Supp. 1977 is repealed

and one new section enacted in lieu thereof, to be known as section 66.600, to read as follows:

**66.600 County sales tax authorized, when—form of ballot—rate—bracket (St. Louis County).—1.** The governing body of any county of the first class having a charter form of government and not containing a city with a population of four hundred thousand or more may, by adopting an ordinance, impose a countywide sales tax for the benefit of both the incorporated and the unincorporated areas of the county; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 66.600 to 66.635 shall be at variance with the provisions as set forth in sections 66.600 to 66.635; and no ordinance shall be effective unless the governing body of the county submits to the voters of the county, at a county wide general or primary election or at a special election called for that purpose, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 66.600 to 66.635. The ballot of submission shall contain, but not be limited to, the following language:

- ☐ For the sales tax
- ☐ Against the sales tax

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax under the provisions of sections 66.600 to 66.635, and such proposal is approved by a majority of the qualified voters voting thereon. If a county sales tax is imposed by the governing body of a county, no city sales tax may be imposed by any city, town or village which is wholly or partially within the county, pursuant to the provisions of sections 94.500 to 94.570 RSMo, so long as the county sales tax is in effect within the city, town or village, and any city sales tax which may have been enacted prior to the effective date of the county sales tax as set forth in sections 66.600 to 66.635 shall be void and of no effect for that part of the city, town or village that is located within the taxing county on and after the effective date of the county sales tax as set forth in sections 66.600 to 66.635, but shall again become effective without further action if the county sales tax is repealed or becomes otherwise inapplicable within such city, town or village.

2. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting the tax, if the property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of the ordinance, the county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the county clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax, or on February 1, 1978, if notice is received by the director of revenue prior to December 31, 1977.

5. In each county in which a county sales tax has been imposed in the manner provided by sections 66.600 to 66.635, every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by sections 66.600

to 66.635 to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the county sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

6. In counties imposing a tax under provisions of sections 66.600 to 66.635 in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions and shall be used in lieu of those provided in section 144.285, RSMo, provided, however, that the director of revenue shall establish appropriate brackets as may be required by section 94.605, RSMo:

Transaction	Tax
\$0.00-\$0.12	None
.13- .29	.01
.30- .49	.02
.50- .75	.03
.76- .99	.04
1.00- 1.23	.05
1.24- 1.47	.06
1.48- 1.71	.07
1.72- 1.96	.08
1.97- 2.20	.09
2.21- 2.44	.10
2.45- 2.68	.11
2.69- 2.93	.12
2.94- 3.17	.13
3.18- 3.41	.14
3.42- 3.65	.15
3.66- 3.90	.16
3.91- 4.14	.17
4.15- 4.38	.18
4.39- 4.62	.19
4.63- 4.87	.20
4.88- 5.11	.21
5.12- 5.35 . .	.22
5.36- 5.59	.23
5.60- 5.84	.24

The brackets set forth between \$.76-\$.99 and \$5.60-\$5.84 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

**Section A. Emergency clause.**—Because immediate action is necessary in order to maintain the orderly operation of certain cities, towns and villages by allowing them to maintain sufficient revenues to insure the maintenance of peace and good order and the uninterrupted delivery of necessary municipal services, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved January 31, 1978.

[Revision S. B. 738]

**POLITICAL SUBDIVISIONS: Annexation of certain unincorporated areas by certain cities.**

AN ACT to repeal sections 71.012 and 71.014, RSMo Supp. 1976, and section 71.014, RSMo Supp. 1975, relating to the annexation of certain unincorporated areas by certain cities, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.
- 71.012. Annexation upon request for all property owners—petition required, hearing, notice—objection, filed where, effect—ordinance to be filed, where.

**SECTION**

- 71.014. Annexation by certain cities upon request of all property owners.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 71.012 and 71.014, RSMo Supp. 1976, and section 71.014, RSMo Supp. 1975, are repealed and two new sections enacted in lieu thereof, to be known as sections 71.012 and 71.014, to read as follows:

**71.012. Annexation upon request of all property owners—petition required, hearing, notice—objection, filed where, effect—ordinance to be filed, where.**—

1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any municipality, except any city located within a county which borders a first class county with a charter form of government with a population in excess of nine hundred thousand, may annex unincorporated areas which are contiguous to the existing corporate limits of the municipality as provided in this section.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, is presented to the governing body of the municipality, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in newspapers of general circulation qualified to publish legal matters.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the municipality determines that the general annexation criteria exist, as mentioned in section 71.015, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the municipality not later than seven days after the public hearing, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the municipality shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the municipality's limits are extended. Upon duly enacting such annexation ordinance the municipality shall cause three certified copies of the same to be filed with the clerk of the county wherein the municipality is located, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that municipality as so extended.

**71.014. Annexation by certain cities upon request of all property owners.**—Notwithstanding the provisions of section 71.015, the governing body of any city which is located within a county which borders a first class county with a charter

form of government with a population in excess of nine hundred thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed.

Approved May 3, 1978.

[S. B. 594]

**POLITICAL SUBDIVISIONS: Optional forms of government for third class cities.**

**AN ACT** to repeal sections 78.230 and 78.450, RSMo 1969, relating to optional forms of government for third class cities, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
78.230. Organization may be abandoned—  
charter may be resumed—proce-  
dure.

**SECTION**

- 78.450. City may abandon plan—special  
election called, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 78.230 and 78.450, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 78.230 and 78.450, to read as follows:

**78.230. Organization may be abandoned—charter may be resumed—procedure.**—Any city which shall have operated for more than six years under the provisions of sections 78.010 to 78.420 may abandon such organization hereunder, and accept the provisions of the general law of the state then applicable to the cities of its population, or if now organized under special charter, may resume said special charter by proceeding as follows: Upon the petition of not less than ten percent of the voters casting votes for governor in the last preceding general election of such city a special election shall be called, at which the following proposition only shall be submitted: "Shall the city of (name of city) abandon its organization under sections 78.010 to 78.420, and become a city under the general law governing cities of like population, or if now organized under special charter shall resume said special charter?" If a majority of votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the state; but such change shall not in any manner of degree affect the property, right or liabilities of any nature of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by sections 78.260 to 78.290, insofar as the provisions thereof are applicable.

**78.450. City may abandon plan—special election called, when.**—Any city which has operated under the provisions of sections 78.430 to 78.640 not less than six years may abandon the form of organization provided for herein, by proceeding as follows: Upon the petition of not less than ten percent of the voters casting votes for governor in the last preceding general election of such city, as shown by the total vote cast at the last preceding general election, a special election shall be called, at which the proposition shall be submitted whether the city

shall continue operating under sections 78.430 to 78.640, in the manner herein provided for the adoption of said sections 78.430 to 78.640. The ballot at the election shall be in substantially the following form:

Shall the city manager form of government ☐ YES  
for the city of (name of city) be continued? ☐ NO

If a majority of the votes cast at the election are against the continuation of the city manager form of government, then the provisions of sections 78.430 to 78.640 and all amendments thereto cease to be effective in the city and the city shall resume the form of government it abandoned when it adopted the plan herein provided for, and shall organize thereunder; except that any third class city, desiring to vote on the proposition to determine whether or not to remain organized under the provisions of sections 78.430 to 78.640, may at the same time submit the question as to what form of government it shall adopt, if there is more than one other form provided for third class cities; but the change of form or organization does not become effective until the next regular municipal election thereafter.

Approved May 30, 1978.

[H. C. S. S. C. S. S. B. 508]

**POLITICAL SUBDIVISIONS: Compensation and employment benefits of police officers in certain cities.**

AN ACT to repeal section 84.420, RSMo 1969 and sections 84.140, 84.150, 84.160 and 84.510, RSMo Supp. 1977, relating to compensation and employment benefits of police officers in certain cities, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

**SECTION**

1. Enacting clause.
- 84.140. Vacations, holidays and off-duty time.
- 84.150. Number of officers in each rank.
- 84.160. Annual salary—overtime, how compensated—other employment benefits.

**SECTION**

- 84.420. Board of police—duties, responsibilities, determination of policies (Kansas City).
- 84.510. Police officers and officials—appointment—compensation (Kansas City).
- A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 84.420, RSMo 1969 and sections 84.140, 84.150, 84.160 and 84.510, RSMo Supp. 1977 are repealed and five new sections enacted in lieu thereof, to be known as sections 84.140, 84.150, 84.160, 84.420 and 84.510, to read as follows:

**84.140. Vacations, holidays and off-duty time.**—The boards shall grant every member of the police force a total of three weeks vacation each year with pay, and each member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay, and all members of the police force shall receive fourteen holidays with pay, and one hundred four days off duty each year with pay, and may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

**84.150. Number of officers in each rank.**—The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; one assistant chief of police with the rank of lieutenant colonel; one chief of de-



tectives with the rank of lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed making a total of six lieutenant colonels; one assistant chief of detectives with the rank of major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed making a total of seven majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 of this act an additional two captains shall be appointed making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed; and four corporals. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force. The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. Any increase in the number of officers to be appointed in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.

**84.160. Annual salary—overtime, how compensated—other employment benefits.**— 1. The chief of police shall receive thirty-six thousand nine hundred fifty-four dollars per annum; the assistant chief of police shall receive twenty-eight thousand two hundred forty-four dollars per annum; the chief of detectives shall receive twenty-six thousand six hundred thirty-two dollars per annum; the inspector of police shall receive twenty-six thousand six hundred thirty-two dollars per annum; each other lieutenant colonel shall receive twenty-six thousand six hundred thirty-two dollars per annum; each major shall receive twenty-four thousand six dollars per annum; each captain shall receive twenty-one thousand three hundred fifty-four dollars per annum; each lieutenant shall receive nineteen thousand three hundred dollars per annum; each sergeant who has served in the rank of sergeant for six years or more shall receive seventeen thousand seven hundred and forty dollars per annum; each sergeant during the first five years that he serves in the rank of sergeant shall receive seventeen thousand one hundred ninety-four dollars per annum; each corporal shall receive fifteen thousand eight hundred ninety dollars per annum; each patrolman who has served more than thirteen years as a patrolman shall receive fifteen thousand seven hundred sixty dollars per annum; each patrolman who has served more than ten years as a patrolman shall receive fifteen thousand two hundred forty-one dollars per annum; each patrolman who has served more than five years as a patrolman shall receive fifteen thousand seventeen dollars per annum; each patrolman who has served more than four years as a patrolman shall receive fourteen thousand two hundred fifty-six dollars per annum; each patrolman who has served more than three years as a patrolman shall receive thirteen thousand seven hundred twenty

dollars per annum; each patrolman who has served more than two years as a patrolman shall receive thirteen thousand two hundred ninety-eight dollars per annum; each patrolman who has served more than one year as a patrolman shall receive twelve thousand eight hundred nineteen dollars per annum; each patrolman who is beginning his first year as a patrolman shall receive twelve thousand three hundred fifty dollars per annum; each probationary patrolman shall receive ten thousand nine hundred seventy-two dollars per annum. Each turnkey beginning his first year or who has served more than one year as a turnkey shall receive nine thousand six hundred seventy-two dollars per annum; each turnkey who has served more than five years as a turnkey shall receive ten thousand seven hundred ninety dollars per annum; and each turnkey who has served more than nine years as a turnkey shall receive eleven thousand three hundred ten dollars per annum. Each of the above mentioned salaries shall be payable in bi-weekly installments. Each officer of police, corporal, and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his salary, an allowance not to exceed two hundred eight dollars per annum payable bi-weekly.

2. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided.

3. The board of police commissioners may pay additional compensation for all hours of service rendered in excess of the established regular working period, and the rate of compensation shall not exceed the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

4. Turnkeys, probationary police officers, police officers and corporals shall receive additional compensation for authorized overtime, court time and court standby time accumulated after May 1, 1977 whenever the total accumulated time exceeds forty hours, and the rate of compensation shall not exceed the regular hourly rate of pay to which each member shall normally be entitled. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

5. Overtime, court time and court standby time accumulated prior to May 1, 1977 shall be compensated for on the basis of compensatory time off or at the regular hourly rate of pay, at the discretion of the board, no later than May 1, 1979.

6. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

7. In lieu of compensatory time off or payments for overtime hours, all commissioned officers of the rank of sergeant and above shall receive an additional eight percent of the compensation established in subsection 1 including the chief of police. No credit shall be given or deductions made from this additional compensation for the purpose of retirement benefits.

8. The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries.

9. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) May provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) May provide health, medical, and life insurance coverage for retired officers and employees of the police department;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in amount not to exceed ten percent of the officer's base hourly rate;

10. The board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

**84.420. Board of police—duties, responsibilities, determination of policies (Kansas City).—**1. The board of police commissioners shall have the duty and responsibility at all times of the day and night within the boundaries of these cities, and on other public property of these cities beyond the corporate limits thereof;

(1) Preserve the public peace;

(2) Prevent crime and arrest offenders;

(3) Protect the rights of persons and property;

(4) Guard the public health;

(5) Preserve order at every public election, and at all public meetings and places and on all public occasions;

(6) Prevent and remove nuisances on all streets, alleys, highways, waters, and other places;

(7) Provide a proper police force at fires for the protection of firemen and property;

(8) Protect transients at public wharves, airports, railway and bus stations;

(9) See that all laws relating to elections and to the observance of Sunday, and relating to pawnbrokers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, and the public health are enforced;

(10) Suppress gambling and bawdyhouses, and every other manner and kind of disorder and offense against law and the public health; and

(11) Enforce all laws and ordinances passed, or which may hereafter be passed, by the common council of such cities, not inconsistent with the provisions of sections 84.350 to 84.860.

2. The board shall determine the policy and in fulfillment of the duties and responsibilities herein provided and to this end shall:

(1) Adopt rules and regulations not inconsistent herewith governing the conduct of such police department;

(2) Appoint a chief of police who shall be responsible to the board for the proper execution of the policies, duties, and responsibilities established for the administration of the police department;

(3) Act as a board of review in personnel disciplinary cases as provided in section 84.430;

(4) Appoint a secretary to the board who shall appoint the necessary clerical assistants to the secretary for the conduct of affairs relating purely to activities and affairs of the board, other than those delegated to the chief in sections 84.350 to 84.860. The salary of the secretary shall be fixed by the board at not less than two thousand five hundred dollars nor more than three thousand seven hundred and fifty dollars per annum. Salaries of clerical assistants shall be determined as herein provided in section 84.520 for other clerical employees;

(5) Have the power to provide for a business manager who shall also act

as an assistant secretary to the board at a salary of not less than four thousand five hundred dollars nor more than six thousand six hundred dollars per annum;

(6) Provide for and employ such medical assistants, including police surgeons and police physicians, as the board may deem necessary to perform such duties as the board may prescribe for the care and health of policemen, officers of police, and employees;

(7) Retain or employ attorneys or other consultants as necessary to advise the board or the chief;

(8) Have the power to provide and contract for insurance benefits providing for health and medical coverage;

(9) Have the power to provide and contract for liability insurance coverage for officers and employees of the police department, insuring liabilities incurred during the performance of duty and in the scope of employment for the police department;

(10) Perform such other duties and exercise such other powers not inconsistent with the provisions of sections 84.350 to 84.860 as shall further the efficient and economical operation of the police department.

3. The provisions of chapter 287, RSMo, governing workmen's compensation may be extended to include the employees of the police department as herein provided. The police department shall have authority by resolution to elect, under the provisions of section 287.030, RSMo, to accept the provisions of chapter 287, RSMo, and to pay compensation to its employees and uniformed officers of the department for injury or death arising out of and in the course of their employment in accordance with the provisions and restrictions as set forth in chapter 287, RSMo. The board shall adopt rules classifying the employees who may be eligible for compensation under this section and section 226.170, RSMo, and its classification shall be decisive as to whether or not an employee falls within the definition of an employee eligible for compensation coverage under this section and section 226.170, RSMo. In case the board shall elect to accept said provisions, it shall purchase insurance for such purpose. The board shall have authority to perform such other duties as may be necessary or incidental effectually to carry out the purposes of this law. No election of the board to come under the provisions of chapter 287, RSMo, shall ever be construed as acknowledging or creating any liability in tort or as incurring other obligations or duties except only the duty and obligation of complying with the provisions of said chapter 287, RSMo, so long as said board may elect to remain under the provisions of chapter 287, RSMo.

**84.510. Police officers and officials—appointment—compensation (Kansas City).**—1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including policemen, policewomen and civilian employees as he from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels not to exceed five in number at not less than twenty thousand five hundred fifty-six dollars, nor more than twenty-six thousand four hundred dollars per annum each;

(2) One major of detectives, at not less than twenty thousand five hundred fifty-six dollars, nor more than twenty-six thousand four hundred dollars per annum;

(3) Majors, at not less than seventeen thousand seven hundred forty-eight dollars, nor more than twenty-three thousand four hundred dollars each;

(4) Captains, at not less than fifteen thousand three hundred thirty-six dollars, nor more than twenty thousand four hundred dollars each;

(5) Sergeants, at not less than thirteen thousand nine hundred eight dollars, nor more than eighteen thousand six hundred dollars each;

(6) Detectives, at not less than ten thousand three hundred ninety-two dollars, nor more than fifteen thousand three hundred dollars each;

(7) Police officers, at not less than eight thousand nine hundred eighty-eight dollars, nor more than fifteen thousand three hundred dollars each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above specified salary ranges from police officers through chief of police. Except that in the event of unusual or abnormal employment conditions or rapid increase in the cost of living or other emergency, the board of police commissioners, by unanimous vote of its five members, may in its discretion determine that such circumstances exist and increase the maximum salaries provided herein or any of them at a rate of not more than five percent per annum commencing September 1, 1976, but not to exceed twenty percent of the maximum herein.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional fifty dollars per month clothing allowance. Uniformed officers may receive twenty-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by unanimous vote of its five members, has the authority by resolution to authorize incentive pay in addition to the base compensation of police officers and detectives below the rank of sergeant as provided for in subsection 2 of this section, to be paid officers who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers and shall not exceed five percent of what the officer would otherwise be entitled to under subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank below the rank of sergeant who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However,

any officer receiving a pay increment provided under the provisions of subsections 6 and 7 shall not be deprived of said pay increment as a result of the limitations of this subdivision.

**Section A. Emergency clause.**—Because the high rate of attrition in the police service and law officer morale could result in increased risk to citizens of this state, sections 84.140, 84.150 and 84.160 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and the enactment thereof is hereby declared to be an emergency act within the meaning of the Constitution, and sections 84.140, 84.150 and 84.160 shall be in full force and effect upon passage and approval or on May 1, 1978, whichever later occurs.

Approved April 27, 1978.

[S. B. 490]

**POLITICAL SUBDIVISIONS: Sales tax brackets.**

AN ACT to repeal sections 94.510 and 144.285, RSMo Supp. 1977, and section 66.600 of senate substitute for house bill no. 1642 as truly agreed to and finally passed by the second regular session of the seventy-ninth general assembly and approved by the governor on January 31, 1978, relating to sales tax brackets and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

**SECTION**

1. Enacting clause.
- 94.510. Imposition of tax, election—rate—collection—purchaser to pay tax—use of brackets authorized.
- 144.285. Brackets for collection of tax.

**SECTION**

- 66.600. County sales tax authorized, when—form of ballot—rate—use of brackets authorized (St. Louis County).
2. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 94.510 and 144.285, RSMo Supp. 1977, and section 66.600 of senate substitute for house bill no. 1642 as truly agreed to and finally passed by the second regular session of the seventy-ninth general assembly and approved by the governor on January 31, 1978, are repealed and three new sections enacted in lieu thereof, to be known as sections 94.510, 144.285 and 66.600, to read as follows:

**94.510. Imposition of tax, election—rate—collection—purchaser to pay tax—use of brackets authorized.**—1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.570; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.570 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.570.

The ballot of submission shall be in substantially the following form:

Shall the city of.....impose a city sales tax

(Insert name of city)

of.....percent?

(Insert rate of percent)

☐ Yes

☐ No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of section 94.500 to 94.570, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of any ordinance in favor of the adoption of a city sales tax by the voters of such city, within such city, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax, or on January 1, 1970, if notice is received by the director of revenue prior to November 1, 1969.

5. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.570 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

6. In each city in which a city sales tax has been imposed in the manner provided by sections 94.500 to 94.570, every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by sections 94.500 to 94.570 to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the city sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

7. In cities imposing a tax under provisions of sections 94.500 to 94.570, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo. shall apply to all taxable transactions.

**144.285. Brackets for collection of tax.**—1. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or re-

mitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions:

(1) In matters consisting solely of state sales tax of three percent and conservation sales tax of one-eighth of one percent, totaling three and one-eighth percent:

\$0.00-\$0.14	None
.15- .47	\$.01
.48- .79	.02
.80- 1.11	.03

For all sales of amounts larger than those shown in the table, the tax shall increase \$.01 for each additional \$.32 of sales.

(2) In matters consisting solely of state sales tax of three percent, conservation sales tax of one-eighth of one percent and a political subdivision sales tax of one-half of one percent, totaling three and five-eighths percent:

\$0.00-\$0.13	None
.14- .40	\$.01
.41- .68	.02
.69- .95	.03
.96- 1.23	.04
1.24- 1.50	.05
1.51- 1.78	.06
1.79- 2.05	.07
2.06- 2.33	.08
2.34- 2.60	.09
2.61- 2.88	.10

The brackets set forth between \$.96-\$1.23 and \$2.61-\$2.88 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

(3) In matters consisting solely of state sales tax of three percent, conservation sales tax of one-eighth of one percent and a political subdivision sales tax of seven-eighths of one percent totaling four percent:

\$0.00-\$0.12	None
.13- .31	\$.01
.32- .54	.02
.55- .81	.03
.82- 1.08	.04
1.09- 1.35	.05
1.36- 1.62	.06

For all sales of amounts larger than those shown in the table, the tax shall increase \$.01 for each additional \$.25 of sales.

(4) In matters consisting solely of state sales tax of three percent, conservation sales tax of one-eighth of one percent and political subdivision sales tax of one percent, totaling four and one-eighth percent:

\$0.00-\$0.12	None
.13- .36	\$.01
.37- .60	.02
.61- .85	.03
.86- 1.09	.04
1.10- 1.33	.05
1.34- 1.57	.06
1.58- 1.82	.07
1.83- 2.06	.08
2.07- 2.30	.09



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2.31- 2.54	.10
2.55- 2.79	.11
2.80- 3.03	.12
3.04- 3.27	.13
3.28- 3.51	.14
3.52- 3.76	.15
3.77- 4.00	.16

The brackets set forth between \$.13-\$.36 and \$3.77-\$4.00 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

(5) In matters consisting solely of state sales tax of three percent, conservation sales tax of one-eighth of one percent and political subdivision sales tax of one and one-half percent, totaling four and five-eighths percent:

\$0.00-\$0.10	None
.11- .31	\$.01
.32- .52	.02
.53- .74	.03
.75- .95	.04
.96- 1.16	.05
1.17- 1.38	.06
1.39- 1.59	.07
1.60- 1.80	.08
1.81- 2.02	.09
2.03- 2.23	.10
2.24- 2.44	.11
2.45- 2.66	.12
2.67- 2.87	.13
2.88- 3.08	.14
3.09- 3.30	.15
3.31- 3.51	.16
3.52- 3.72	.17
3.73- 3.94	.18
3.95- 4.15	.19
4.16- 4.36	.20
4.37- 4.58	.21
4.59- 4.79	.22
4.80- 5.00	.23
5.01- 5.22	.24
5.23- 5.43	.25
5.44- 5.64	.26
5.65- 5.86	.27
5.87- 6.07	.28
6.08- 6.28	.29
6.29- 6.50	.30
6.51- 6.71	.31
6.72- 6.92	.32
6.93- 7.14	.33
7.15- 7.35	.34
7.36- 7.57	.35
7.58- 7.78	.36
7.79- 8.00	.37

The brackets set forth between \$5.01-\$5.22 and \$7.79-\$8.00 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

2. In all instances where statements covering taxable purchases are rendered to the taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by applying the applicable tax rate to the taxable purchases represented on the statement, rounded to the nearest whole cent, or by application of the brackets set forth in subsection 1 of this section, at the option of the retail vendor.

3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax any sum in excess of the sums prescribed in this section.

4. A vendor may, at his option, determine the amount charged to and received from each purchaser by use of a formula which applies the applicable tax rate to each taxable purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently applied to all purchases similarly situated.

5. Amounts which a vendor charges to and receives from the purchaser in accordance with this section shall not be includable in his gross receipts if the amounts are separately charged or stated.

**66.600. County sales tax authorized, when—form of ballot—rate—use of brackets authorized (St. Louis County).—1.** The governing body of any county of the first class having a charter form of government and not containing a city with a population of four hundred thousand or more may, by adopting an ordinance, impose a countywide sales tax for the benefit of both the incorporated and the unincorporated areas of the county; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 66.600 to 66.635 shall be at variance with the provisions as set forth in sections 66.600 to 66.635; and no ordinance shall be effective unless the governing body of the county submits to the voters of the county, at a countywide general or primary election or at a special election called for that purpose, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 66.600 to 66.635. The ballot of submissions shall contain, but not be limited to, the following language:

☐ For the sales tax

☐ Against the sales tax

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the tax under the provisions of sections 66.600 to 66.635, and such proposal is approved by a majority of the qualified voters voting thereon. If a county sales tax is imposed by the governing body of a county, no city sales tax may be imposed by any city, town or village which is wholly or partially within the county, pursuant to the provisions of sections 94.500 to 94.570, RSMo, so long as the county sales tax is in effect within the city, town or village, and any city sales tax which may have been enacted prior to the effective date of the county sales tax as set forth in sections 66.600 to 66.635 shall be void and of no effect for that part of the city, town or village that is located within the taxing county on and after the effective date of the county sales tax as set forth in sections 66.600 to 66.635, but shall again become effective without further action if the county sales tax is repealed or becomes otherwise inapplicable within such city, town or village.

2. The sales tax may be imposed at a rate of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at

retail within any county adopting the tax, if the property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of the ordinance, the county clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the county clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax, or on February 1, 1978, if notice is received by the director of revenue prior to December 31, 1977.

5. In each county in which a county sales tax has been imposed in the manner provided by sections 66.600 to 66.635 every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by sections 66.600 to 66.635 to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the county sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

6. In counties imposing a tax under provisions of sections 66.600 to 66.635 in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions of section 144.285, RSMo shall apply to all taxable transactions provided, however, that the director of revenue shall establish appropriate brackets as may be required by Section 94.605, RSMo.

**Section 2. Effective date.**—This act shall be effective for all taxable sales which occur after December 31, 1978.

Approved June 12, 1978.

[H. S. H. B. 1155]

**POLITICAL SUBDIVISIONS: Municipal housing authorities.**

AN ACT to repeal section 99.080, 99.090 and 99.100, RSMo 1969 relating to municipal housing authorities and to enact in lieu thereof three new sections for the purpose of allowing public housing authorities to manage, lease and operate certain privately owned housing projects.

**SECTION**

1. Enacting clause.  
99.080. Authority to constitute municipal corporation—powers.

**SECTION**

99.090. Rentals, how fixed.  
99.100. Rentals and tenant selection—duties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 99.080, 99.090 and 99.100, RSMo 1969 are repealed and three new sections enacted in lieu thereof, to be known as sections 99.080, 99.090 and 99.100 to read as follows:

**99.080. Authority to constitute municipal corporation—powers.**—1. An authority shall constitute a municipal corporation, exercising public and essential

governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.010 to 99.230, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with sections 99.010 to 99.230, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof except that, when the authority shall lie within an unincorporated area of a first class county having a charter form of government and that unincorporated area is bordered by a city or cities of the third class which may provide services to that authority, the city or cities shall give its approval before said construction, reconstruction, improvement, alteration or repair takes place.

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in sections 99.010 to 99.230 or any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in sections 99.010 to 99.230) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property in fee simple or other estate; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(6) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, re-planning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city,

the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(7) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(8) To contract with private owners to manage, lease and operate any rental, cooperative or condominium housing project within its area of operation and to act as management agent for any such project for a management fee. The persons and families who occupy the housing project shall be low income persons as defined in sections 99.010 to 99.230, RSMo, and prescribed by individual municipal housing authorities; or lower income persons as defined in Sections 1700 to 1750g of Title 12 United States Code and prescribed in federal regulations; or low or moderate income persons as defined in chapter 215, RSMo, and prescribed in the rules and regulations of the Missouri housing development commission. Any profit derived by housing authorities from such management fees shall be applied to the development or improvement of publicly owned housing projects and to other authorized activities of said housing authorities pursuant to the public purposes prescribed herein.

(9) To exercise all or any part or combination of powers herein granted.

2. No provision of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

**99.090. Rentals, how fixed.**—It is hereby declared to be the policy of this state that each housing authority shall manage and operate housing projects owned by it in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with providing decent safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project owned by it for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient:

(1) To pay, as the same become due, the principal and interest on the bonds of the authority;

(2) To meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and

(3) To create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

**99.100. Rentals and tenant selection—duties.**—1. In the operation or management of housing projects owned by it, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(1) It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;

(2) It may rent or lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupancy thereof, without overcrowding; and

(3) It shall not accept any person as a tenant in any such housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

2. Nothing contained in this or section 99.090 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project, or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or section 99.090.

Approved June 7, 1978.

[S. B. 497]

**PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Insurance benefits for certain employees, officials and judges.**

AN ACT to repeal section 104.310, RSMo Supp. 1975 and section 104.515, RSMo Supp. 1977, relating to insurance benefits for certain employees, officials and judges of this state, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

**SECTION**

- A. Enacting clause.  
104.310. Definitions.  
104.515. Insurance to be furnished, amount how determined—state contribution, amount—payroll deductions, amount—exception—dependent's coverage.

**SECTION**

- B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Section 104.310, RSMo Supp. 1975 and section 104.515, RSMo Supp. 1977 are repealed and two new sections enacted in lieu thereof to be known as sections 104.310 and 104.515, to read as follows:

**104.310. Definitions.**—Whenever in sections 104.310 to 104.550, or in any proceeding under sections 104.310 to 104.550, the following words or terms are used, unless the context clearly indicates that a different meaning is intended, they shall have the following meanings:

- (1) "Accumulated contributions", the sum of all deductions from a member's

compensation which shall be credited to his individual account and annual interest allowed thereon;

(2) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial tables and interest, is equal in value to a certain amount or other benefits;

(3) "Actuarial tables", the actuarial tables approved and in use by the board at any given time;

(4) "Actuary", the actuary employed by the board at any given time;

(5) "Annuity", annual payments made in equal monthly installments, to a retired member from funds provided for in, or authorized by, sections 104.310 to 104.550;

(6) "Average compensation", the average annual compensation paid to a member for the five consecutive years of service prior to retirement when his compensation was greatest; or if the member had less than five consecutive years of service, the average annual compensation paid to the member during the entire period of this service;

(7) "Beneficiary", any person, other than a member, who may be legally entitled to receive benefits under sections 104.310 to 104.550;

(8) "Board of trustees", "board", or "trustees", the board of trustees as provided for herein to administer sections 104.310 to 104.550;

(9) "Compensation", all salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for the state, except amounts received as salary or wages payable in lieu of annual leave and sick leave after date of retirement;

(10) "Creditable service", the sum of both membership service and creditable prior service;

(11) "Department", any department, institution, board, commission, officer, court, or any agency of the state government receiving state appropriations including allocated funds from the federal government and having power to certify payrolls authorizing payments of salary or wages against appropriations made by the federal government or the state legislature from any state fund, or against trusts or allocated funds held by the state treasurer;

(12) "Disability benefits", benefits paid to an employee while totally disabled as herein provided;

(13) "Earnable compensation", the full annual compensation which would be payable to a member in a given fiscal year if he worked full normal working time for his position;

(14) "Effective date", the date upon which sections 104.310 to 104.550 become effective by operation of law;

(15) "Employee", any elective or appointive officer or employee of the state who is employed by a department and earns a salary or wage in a position normally requiring the actual performance by him of duties during not less than one thousand five hundred hours per year, including each member of the general assembly, but not including any employee who is currently accumulating benefits under some other retirement or benefit fund to which the state is a contributor; except persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed "employees" for purposes of participating in all insurance programs administered by the State Retirement Board under sections 104.310 to 104.550; and, except this definition shall not exclude any employee as defined herein who is covered only under the Federal Old Age and Survivors' Insurance Act, as amended. As used in sections 104.310 to 104.550, the term "employee" shall include civilian

employees of the Army National Guard or Air National Guard of this state who are employed pursuant to Section 709 of Title 32 of the United States Code and paid from federal appropriated funds;

(16) "Employer", a department;

(17) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(18) "Fund", the Missouri state employees' retirement and benefit fund as herein provided;

(19) "Interest", interest at such rate as shall be determined and prescribed from time to time by the board;

(20) "Member", a member of the Missouri state employees' retirement system, without regard to whether or not he has been retired;

(21) "Membership service", service after becoming a member that is creditable under section 104.330;

(22) "Normal retirement age", sixty-five years for all members employed prior to September 1, 1972; for those employed on or after September 1, 1972, the later to occur of the attainment of sixty-five years of age or the completion of four years of creditable service;

(23) "Payroll deduction", all deductions under sections 104.310 to 104.550 from an employee's compensation;

(24) "Prior service", service of a member rendered prior to the effective date which is creditable under section 104.340;

(25) "Secretary", the secretary employed by the board under sections 104.310 to 104.550;

(26) "System" or "retirement system", the Missouri state employees' retirement system as created by sections 104.310 to 104.550;

(27) "Year", fiscal year.

**104.515. Insurance to be furnished, amount how determined—state contribution, amount—payroll deductions, amount—exception—dependent's coverage.**

—1. The board shall provide or contract for insurance benefits to cover hospital, surgical and medical expenses for employees under sections 104.310 to 104.550, and members of the judicial retirement system as provided by section 476.590, RSMo. The board shall also include the insurance benefits authorized hereby for the members of the highway employees' and highway patrol retirement system under sections 104.010 to 104.260 if the state highway commission elects to provide insurance benefits under this section as authorized by section 104.270 and for the spouses and unemancipated children who have not attained twenty-three years of age of the members of each system which are included. Hospital, surgical and medical expenses shall include expenses for comparable benefits for employees who rely solely on spiritual means through prayer for healing.

2. The board shall provide or contract for life insurance benefits for employees under sections 104.310 to 104.550, and for members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highway commission shall include employees who are members of the state highway employees' and highway patrol retirement system with the amount of life insurance benefits based on the creditable service of the employees as follows:

(1) Employees with less than six months of creditable service are entitled to no life insurance;

(2) Employees with six months of creditable service but less than two years of creditable service are entitled to one thousand dollars of life insurance;

(3) Employees with two years of creditable service but less than three years of creditable service are entitled to two thousand dollars of life insurance;



(4) Employees with three years of creditable service but less than four years of creditable service are entitled to three thousand dollars of life insurance;

(5) Employees with four years of creditable service but less than five years of creditable service are entitled to four thousand dollars of life insurance;

(6) Employees with five or more years of creditable service are entitled to five thousand dollars of life insurance;

(7) Life insurance benefits terminate when the member ceases to be an employee of the state.

3. The board shall establish and implement a program as provided in subsections 1 and 2. The board shall establish rules of eligibility for participation in the program, and shall avoid duplication of benefits provided to employees, their spouses and children under any other program of hospital, surgical and medical benefits provided through, or as a result of employment with a department, any other employer, or any plan established by the federal government. The benefits set forth in subsection 1 shall only be provided to employees, or employees, their spouses and children, complying with the rules of eligibility for participation established by the board. Furthermore, the benefits set forth in subsection 1 shall be provided to the spouses and unemancipated children under twenty-three years of age of employees only if monthly voluntary payroll deductions for participation have been authorized for such spouses and unemancipated children under twenty-three years of age under subsection 7. The benefits set forth in subsection 2 shall be provided all employees complying with the rules of eligibility for participation established by the board for whom contributions are being made under subsection 5. No member shall be eligible for benefits until such program shall become operative. The board shall establish the operative date which shall be within nine months of August 13, 1972. To the extent any benefits provided under this program are insured, the selection of any insurance company or service organization shall be on the basis of competitive bidding.

4. A separate account for hospital, surgical, medical and life insurance benefits shall be established as part of the fund. The funds, property and return on investments of the separate account shall not be commingled with any other funds, property and investment return of the system. All benefits and premiums are paid solely from the separate account for hospital, surgical, medical and life insurance benefits.

5. After June 15, 1977, the state shall contribute twelve dollars per month per employee who is a member of the Missouri state employees' retirement system, a member of the public school retirement system and who is employed by a state agency other than an institution of higher learning, the judicial retirement system, each legislator and official holding an elective state office, and if the state highway commission so elects, those employees who are members of the state highway employees' and highway patrol retirement system. This amount shall be reported as a separate item in the monthly certification of contribution amounts which the commissioner of administration submits to the state treasurer and shall be deposited to the separate account for hospital, surgical, medical and life insurance benefits. All contributions made on behalf of members of the state highway employees' and highway patrol retirement system shall be made from highway funds.

6. In addition to the state contribution authorized under subsection 5 of this section, the state shall contribute the additional amounts required, as determined by the board, to fully fund hospital, surgical, medical and life insurance benefits for all employees as defined in section 104.310, the judicial retirement system, and each legislator and official holding an elective state office. If the state highway

commission has elected to provide insurance benefits as authorized by section 104.270, the state shall contribute, from highway funds only, the additional amounts required to fully fund hospital, surgical, medical and life insurance benefits for all employees who are members of the state highway employees' and highway patrol retirement system. The provisions of this subsection shall not apply, however, to those employees participating in any other program of hospital, surgical and medical benefits provided through, or as a result of employment with a department, any other employer, or any plan established by the federal government. This additional amount of state contribution shall not exceed eleven dollars and sixty-five cents, and shall be reported in the monthly certification of contribution amounts which the commissioner of administration submits to the state treasurer and shall be deposited to the separate account for hospital, surgical, medical and life insurance benefits. The spouses and unemancipated children under twenty-three years of age of employees who are members of the Missouri state employees' retirement system, the judicial retirement system, of each legislator and official holding an elective state office and, if the highway commission so elects, the spouses and unemancipated children under twenty-three years of age of employees who are members of the state highway employees' and highway patrol retirement system shall be able to participate in the program of insurance benefits to cover hospital, surgical and medical expenses under the provisions of subsection 7 of this section.

7. The board shall determine the amounts required, if any, as a monthly payroll deduction for participating employees. The payroll deduction shall be the amount, which, together with the state's contribution, is required to fund the benefits provided, taking into account necessary actuarial reserves. Separate deductions shall be established for employees' benefits and a separate deduction shall be established for benefits for spouses and unemancipated children under twenty-three years of age of participating employees. The employee's deductions for spouse and children benefits shall be established to cover the entire cost of such benefits. All such payroll deductions shall be paid to the board of trustees at the time that each employee's wages or salary would normally be paid. The payroll deductions so remitted will be placed in the separate account for hospital, surgical, medical and life insurance benefits and shall not be refundable nor shall these deductions be considered in any refunds payable to members and their beneficiaries as provided by sections 104.310 to 104.550.

8. Insurance benefits to cover hospital, surgical, and medical expenses for employees, their spouses, and unemancipated children who have not attained twenty-three years of age, provided under subsection 1, terminate when the member ceases to be an employee, except that any employee, or his spouse and unemancipated children who have not attained age twenty-three, who have fulfilled the requirements to be covered for the benefits provided under subsection 1 for a period of at least two years immediately prior to the date of retirement or immediately prior to the date of commencement of survivorship payments, or who have continuously fulfilled such requirements from the operative date of the program as provided under subsection 3 until such date of such retirement or commencement of survivorship payments, shall be eligible to continue to be covered for the benefits provided under subsection 1 following the date of such retirement or commencement of such survivorship payments under rules of eligibility for participation established by the board and on the basis that the covered persons pay the entire cost of the continued benefits, as determined by the board.

9. Notwithstanding subsections 1 through 8 of this section, retired members, their spouses, and unemancipated children, or the spouses of and unemancipated

children of deceased members, who, on the day immediately preceding the operative date as provided under section 476.585, RSMo, or in the case of members of the state highway employees' and highway patrol retirement system, on June 14, 1977, were covered members of any group providing prepaid hospital care and any group providing prepaid medical and surgical care where such group was composed entirely of members of the system, shall be eligible to participate in the program of insurance benefits to cover hospital, surgical, and medical expenses provided in subsection 1 under rules of eligibility for participation established by the board of trustees and on the basis that the covered persons pay the entire cost of the benefits as determined by the board.

10. Notwithstanding subsections 1 through 9 of this section, any persons employed by an agency, division, or department, who would be employees under sections 104.310 to 104.550, except by reason of coverage under the retirement system established under sections 169.010 to 169.130, RSMo, or their spouses and unemancipated children who have not attained age twenty-three, shall be eligible to participate in the program of insurance benefits to cover hospital, surgical, and medical expenses provided under subsection 1 and to continue such participation after retirement or after the death of the employed person, under rules of eligibility for participation established by the board of trustees, and on the basis that such covered persons pay the entire cost of such benefits, as determined by the board.

11. None of the provisions of this section apply to members who are employed by any agency, division, or department which has in effect a program of hospital, surgical, and medical benefits or a program of life insurance on August 13, 1972, which is wholly or partially paid by the employing agency, division, or department.

**Section B. Effective date.**—The effective date of this act shall be January 1, 1979.

Approved April 28, 1978.

[S. S. C. S. H. B. 1610]

#### **PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS: Regulation of conflicts of interest.**

**AN ACT** to repeal sections 105.450, 105.480, 105.490 and 105.495, RSMo 1969, relating to regulation of conflicts of interest and to enact in lieu thereof fifteen new sections, with penalty provisions relating to the same subject.

##### **SECTION**

1. Enacting clause.
2. Definitions.
3. Prohibited acts by elected and appointed public officials and employees.
4. Additional prohibited acts by certain elected and appointed public officials and employees, exceptions.
5. Prohibited acts by members of General Assembly and statewide elected officials, exceptions.
6. Prohibited acts by members of governing bodies of political subdivisions, exceptions.

##### **SECTION**

7. Prohibited acts by persons with rule-making authority—appearances—exceptions.
8. Prohibited acts by persons in judicial or quasi-judicial positions.
9. Exceptions to applicability of sections 2 to 15.
10. Prosecutions for violations, procedure—referral of complaints.
11. Complaints, how made, contents.
12. Venue.
13. Applicability of other provisions of law—additional standards.
14. Penalty.
15. Severability.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 105.450, 105.480, 105.490 and 105.495, RSMo 1969, are repealed and fifteen new sections are enacted in lieu thereof to be known as sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, to read as follows:

**Section 2. Definitions.**—As used in this act, unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing *de novo*; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which he is associated", any sole proprietorship owned by himself or his spouse, any partnership or joint venture in which he or his spouse is a partner, any corporation in which he is an officer or director or of which either he or his spouse or dependent child in his custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock, or any trust in which he is a trustee or settler or in which he or his spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "Confidential information", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(5) "Dependent child in his custody", all children, stepchildren, foster children and wards under the age of eighteen residing in his household and who receive in excess of fifty percent of their support from him;

(6) "Public document", a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

(7) "Substantial interest", ownership by the individual, or his spouse, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual or his spouse of a salary, gratuity, or other compensation or remuneration of six thousand dollars, or more, per year from any individual, partnership, organization, or association;

(8) "Substantial personal or private interest in any measure or bill", any interest in a measure or bill which results from the combined definitions of subdivisions (2) and (7) of this section.

**Section 3. Prohibited acts by elected and appointed public officials and employees.**—No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of

his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated; or

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person.

**Section 4. Additional prohibited acts by certain elected and appointed public officials and employees, exceptions.**—No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall

(1) Perform any service for any agency of the state or political subdivision thereof in which he is an officer or employee or over which he has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his official duties, in excess of five hundred dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state or political subdivision thereof in which he is an officer or employee or over which he has supervisory power and received consideration therefor in excess of five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he attempts to influence any decision of any agency of the state or political subdivision thereof in which he is an officer or employee, or over which he has supervisory power when he knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars value per annum to him, to his spouse, to a dependent child in his custody or to any business with which he is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his official duties, by which service he attempts to influence a decision of any agency of the state or political subdivision in which he is an officer or employee or over which he has supervisory power;

(5) Perform any service for consideration, during one year after termination of his office or employment, by which performance he attempts to influence a decision of any agency of the state or political subdivision in which he was an officer or employee or over which he had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

**Section 5. Prohibited acts by members of General Assembly and statewide elected officials, exceptions.—1.** No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof for any consideration other than the compensation provided for the performance of his official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his official duties, to influence the decision of any agency of the state on any matter except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, partner, coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall;

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

**Section 6. Prohibited acts by members of governing bodies of political subdivisions, exceptions.—1.** No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his official duties; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding provided that the bid or offer accepted is the lowest received; or

(3) Attempt for any compensation other than the compensation provided for the performance of his official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any

adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor partner, coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall;

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding provided that the bid or offer accepted is the lowest received.

**Section 7. Prohibited acts by persons with rulemaking authority—appearances—exceptions.—**1. No member of any agency of the state or any political subdivision thereof who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan shall.

(1) Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency in which he is a member when he knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to him, to his spouse or a dependent child in his custody or to any business with which he is associated;

(2) Perform any service, during the time of his employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his official duties, if by the performance of the service he attempts to influence the decision of the agency of the state or political subdivision in which he is a member;

(3) Perform for one year after termination of his employment any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he served as a member; provided, however, that he may, after termination of his office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he participated directly in that matter or in the receipt or analysis of that document while he was serving as a member.

2. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and receive therefor in excess of \$500 per annum except on transactions pursuant to an award on contract let or of sale made after public notice and in the case of property other than real property, competitive bidding provided that the bid or offer accepted is the lowest received.

**Section 8. Prohibited acts by persons in judicial or quasi-judicial positions.—**

1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:

(1) He knows that a party is any of the following: he or his great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin, or any firm or corporation in which he has an ownership interest, or any trust in which he has any legal, equitable or beneficial interest;

(2) He knows the subject matter is such that he may receive a direct financial gain from any potential result of the proceeding, except that no provision in this subsection shall be construed to prohibit him from participating in any proceeding by reason of the fact that the state, or any agency of the state, or any agency of a political subdivision thereof, is a party.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or transferring the matter to another court, body, or person for further proceedings.

**Section 9. Exceptions to applicability of sections 2 to 15.—**1. No provision of this act shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of this act shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of this act shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the state or any political subdivision thereof under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

**Section 10. Prosecutions for violations, procedure—referral of complaints.—**Any violation of this act by a state-wide elected official, other than the attorney general, or by a circuit attorney, or a prosecuting attorney shall be prosecuted by the attorney general with such assistance as he may require from the appropriate prosecuting attorney or circuit attorney. The attorney general shall investigate, commence by indictment or information in accordance with the law, and try all such criminal prosecutions. Any violations of this act by other officials or employees of the state shall be prosecuted by the prosecuting attorney or circuit attorney of the county or city wherein such official or employee resides. All complaints received by the attorney general under section 11 of this act concerning such other officials and employees of the state shall be referred to the prosecuting attorney or circuit attorney of such county or city for investigation and, if warranted under the provisions of this act, for prosecuting. The prosecuting attorney or circuit attorney shall report to the attorney general on the disposition of all complaints forwarded to him by the attorney general. The attorney general may initiate prosecutions against such other officials or employees of the state in the county of their residence where the prosecuting attorney or circuit attorney has declined to prosecute within a reasonable period of time after receipt of a complaint from the attorney general.

**Section 11. Complaints, how made, contents.—**1. All complaints against officials or employees of the state, other than the attorney general and officers and employees of the office of attorney general, concerning violations of the provisions of this act shall be made to the attorney general in writing. The complaints shall name the person allegedly violating the provisions of this act, the nature of the violation and the date of the commission of the violation and shall be signed by



the complainant and shall contain the complainant's statement under oath that he believes, to the best of his knowledge, the truthfulness of the statements contained therein.

2. All complaints against officials or employees of a political subdivision of the state concerning violations of the provisions of this act shall be made to the prosecuting attorney or circuit attorney of the appropriate political subdivision in writing. The complaints shall name the person allegedly violating the provisions of this act, the nature of the violation and the date of the commission of the violation and shall be signed by the complainant and shall contain the complainant's statement under oath that he believes, to the best of his knowledge, the truthfulness of the statements contained therein.

**Section 12.—Venue.**—If a person is charged with committing offenses under this act then the venue of the prosecution shall be:

- (1) In the county in which they reside; or
- (2) If the defendant is not a resident of this state, in any county in which any element of the offense occurred.

**Section 13. Applicability of other provisions of law—additional standards.**—Nothing in this act shall be interpreted as exempting any individual from applicable provisions of any other laws of this state or the provisions of any charter or ordinance of other political subdivisions in the state, and nothing in this act shall prohibit any political subdivision from establishing additional or more stringent requirements than those specified in this act.

**Section 14.—Penalty.**—Any person guilty of purposefully violating any of the provisions of sections 3 through 8 of this act is guilty of a felony and, upon conviction, shall be punished by imprisonment by the division of corrections for a term not exceeding five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment. On and after January 1, 1979, a violation of this act shall be considered a class D felony and, upon conviction, shall be punished as provided by law.

**Section 15. Severability.**—It is the intent of the legislature that this act be severable. In the event that any provision of this act be declared invalid under the constitution of the United States or the constitution of the state of Missouri, it is the intent of the legislature that the remaining provisions of this act remain in force and effect as far as they are capable of being carried into execution as intended by the legislature.

Approved June 15, 1978.

[H. B. 971]

#### **SUFFRAGE AND ELECTIONS: Election Law of 1978.**

AN ACT to repeal sections 1.020, 21.070, 21.080, 21.120, 21.130, 47.030, 47.040, 47.310, 49.020, 51.020, 51.030, 53.020, 55.080, 56.040, 56.050, 56.430, 56.440, 57.010, 57.080, 58.760, 59.040, 60.010, 60.020, 64.530, 64.900, 65.020, 65.030, 65.040, 65.050, 65.060, 65.070, 65.080, 65.090, 65.100, 65.120, 65.140, 65.150, 67.775, 70.020, 70.030, 70.040, 70.050, 70.070, 71.017, 71.020, 71.380, 71.440, 71.450, 71.460, 71.470, 71.530, 71.550, 71.650, 71.660, 71.715, 71.870, 71.880, 71.890, 71.900, 71.910, 71.920, 72.050, 72.060, 72.153, 72.160, 72.165, 72.170, 72.180, 72.185, 72.195, 72.210, 72.220, 77.040, 77.050, 77.180, 77.240, 77.370, 77.380, 77.450, 78.010, 78.030, 78.080, 78.090, 78.100, 78.110, 78.120, 78.130, 78.140, 78.150, 78.190, 78.200, 78.210, 78.220, 78.230, 78.240, 78.260, 78.270, 78.280, 78.420, 78.430, 78.450, 78.460, 78.470, 78.480, 78.490, 78.500, 78.510, 78.520, 78.530, 78.540, 78.550, 79.020, 79.030, 79.040, 79.170, 79.250, 79.280, 79.490,

80.040, 80.050, 80.460, 80.490, 80.500, 80.510, 80.520, 80.530, 80.540, 80.550, 80.560, 80.570, 80.580, 81.050, 81.070, 81.075, 81.080, 81.130, 81.140, 81.195, 81.230, 81.240, 81.280, 82.030, 82.090, 82.140, 86.583, 87.010, 87.015, 87.410, 88.613, 88.627, 88.633, 88.770, 88.773, 91.550, 91.600, 92.010, 92.300, 94.060, 94.100, 95.115, 95.125, 95.130, 95.145, 95.150, 95.155, 95.370, 95.385, 95.390, 95.410, 95.440, 95.445, 95.450, 95.510, 95.515, 95.527, 96.150, 98.030, 98.320, 98.500, 100.120, 108.010, 108.020, 108.040, 108.050, 108.060, 108.070, 108.090, 122.660, 122.670, 122.680, 122.690, 122.700, 122.710, 122.720, 122.730, 122.740, 122.750, 122.760, 122.770, 122.780, 122.790, 122.800, 122.810, 122.830, 122.840, 122.860, 122.880, 122.890, 122.900, 122.910, 122.920, 122.940, 122.950, 122.960, 122.970, 137.037, 137.065, 137.565, 137.570, 162.111, 162.223, 162.231, 162.251, 162.321, 162.341, 162.381, 162.421, 162.451, 162.481, 162.491, 162.561, 164.081, 164.091, 164.101, 164.121, 164.131, 164.141, 164.151, 166.161, 166.171, 177.031, 178.800, 178.810, 178.890, 182.020, 182.030, 182.100, 182.105, 182.260, 182.490, 190.015, 190.030, 190.035, 190.040, 190.045, 190.065, 190.070, 190.090, 198.210, 198.240, 198.250, 198.260, 198.270, 198.280, 198.310, 198.320, 199.080, 204.280, 204.370, 205.010, 205.020, 205.031, 205.041, 205.170, 205.180, 205.460, 205.470, 205.480, 205.570, 205.977, 205.978, 205.982, 206.020, 206.050, 206.060, 206.070, 206.080, 206.090, 206.120, 206.130, 210.330, 210.340, 210.350, 233.015, 233.020, 233.155, 233.180, 233.200, 233.290, 233.330, 233.345, 233.455, 233.460, 235.030, 235.040, 235.070, 235.140, 235.250, 235.260, 247.040, 247.060, 247.130, 247.170, 247.190, 247.215, 247.220, 247.260, 247.270, 247.310, 247.320, 247.350, 247.430, 247.460, 247.470, 247.480, 247.550, 247.600, 247.610, 247.620, 247.630, 248.040, 249.070, 249.080, 249.090, 249.110, 249.134, 249.136, 249.140, 249.390, 249.760, 249.763, 249.765, 249.767, 249.770, 249.773, 249.790, 249.800, 249.810, 250.060, 257.010, 257.020, 257.090, 257.100, 257.110, 257.140, 257.160, 257.170, 257.310, 257.370, 257.380, 257.450, 273.170, 273.180, 311.110, 311.120, 311.130, 311.140, 311.150, 311.160, 321.010, 321.030, 321.090, 321.130, 321.350, 321.360, 321.370, 321.380, 321.390, 321.400, 321.420, 321.460, 321.490, 321.495, 321.500, 321.600, 321.610, RSMo 1969, sections 55.045, 64.695, 64.800, 64.845, 64.885, 71.802, 72.080, 72.100, 72.130, 72.135, 91.120, 91.596, 91.660, 94.250, 94.280, 94.340, 94.400, 122.820, 122.850, 122.870, 122.930, 137.030, 249.010, 249.450, 162.071, 162.141, 162.191, 162.221, 162.241, 162.261, 162.361, 162.431, 162.441, 162.501, 162.825, 162.840, 162.845, 162.850, 162.851, 162.860, 162.865, 162.870, 162.910, 178.820, 178.840, 182.010, 182.150, 182.620, 182.650, 182.655, 182.660, 184.368, 184.370, 184.372, 190.050, 205.972, 230.205, 230.210, 230.215, 233.160, 247.217, 250.070, 260.245, 321.210, 321.650, RSMo 1975, sections 67.950, 72.310, 72.315, 72.320, 72.325, 72.335, 72.345, 90.500, 96.310, 100.110, 162.601, 162.603, 164.021, 182.140, 247.180, RSMo 1976, sections 67.950, 67.955, 78.550, 92.035, 94.510, 115.005, 115.023, 115.121, 115.123, 115.127, 115.331, 162.061, 115.257, 162.101, 162.291, 162.351, 162.371, 162.471, 162.492, 164.031, 167.231, 321.120, 321.220, 321.225, 321.240 and 321.620, RSMo Supp. 1977, relating to elections, and to enact in lieu thereof four hundred twenty-three new sections, relating to the same subject.

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- 21.120. Writs of election, how directed.
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- 47.040. Commissioners to be appointed if proposition adopted.
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- 55.080. Certificate of election—oath of office.
- 56.430. Circuit attorney—election—qualifications (St. Louis City).

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- 56.440. Prosecuting attorney — election — qualifications—term of office (St. Louis City).
- 57.010. Election — qualifications — certificate of election.
- 57.080. Vacancy in office, how filled—private person may execute process, when.
- 58.760. Election to adopt, when—form of ballot—transition provisions (certain counties).
- 59.040. Combination or separation of office—election—form of ballot (third class counties).
- 60.010. Surveyor to be elected in certain counties—term.
- 64.530. Planning or zoning to be adopted only after approval by voters—submission of question (second and third class counties).
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- 64.845. Creation of county zoning program—election.
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- 64.900. Termination of county planning, zoning—election.
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- 71.017. Plat of proposed area—acceptance how—election, how conducted—approval by voters, effect of.
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- 71.550. Water supply contract—voter approval.
- 71.650. Tax for bond fund—limitations.
- 71.660. Discontinuance of tax for bond fund, procedure.
- 71.715. Sewerage service charges may be imposed, how collected—use of proceeds.
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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 1.020, 21.070, 21.080, 21.120, 21.130, 47.030, 47.040, 47.310, 49.020, 51.020, 51.030, 53.020, 55.080, 56.040, 56.050, 56.430, 56.440, 57.010, 57.080, 58.760, 59.040, 60.010, 60.020, 64.530, 64.900, 65.020, 65.030, 65.040, 65.050, 65.060, 65.070, 65.080, 65.090, 65.100, 65.120, 65.140, 65.150, 67.775, 70.020, 70.030, 70.040, 70.050, 70.070, 71.017, 71.020, 71.380, 71.440, 71.450, 71.460, 71.470, 71.530, 71.550, 71.650, 71.660, 71.715, 71.870, 71.880, 71.890, 71.900, 71.910, 71.920, 72.050, 72.060, 72.153, 72.160, 72.165, 72.170, 72.180, 72.185, 72.195, 72.210, 72.220, 77.040, 77.050, 77.180, 77.240, 77.370, 77.380, 77.450, 78.010, 78.030, 78.080, 78.090, 78.100, 78.110, 78.120, 78.130, 78.140, 78.150, 78.190, 78.200, 78.210, 78.220, 78.230, 78.240, 78.260, 78.270, 78.280, 78.420, 78.430, 78.450, 78.460, 78.470, 78.480, 78.490, 78.500, 78.510, 78.520, 78.530, 78.540, 78.550, 79.020, 79.030, 79.040, 79.170, 79.250, 79.280, 79.490, 80.040, 80.050, 80.460, 80.490, 80.500, 80.510, 80.520, 80.530, 80.540, 80.550, 80.560, 80.570, 80.580, 81.050, 81.070, 81.075, 81.080, 81.130, 81.140, 81.195, 81.230, 81.240, 81.280, 82.030, 82.090, 82.140, 86.583, 87.010, 87.015, 87.410, 88.613, 88.627, 88.633, 88.770, 88.773, 91.550, 91.600, 92.010, 92.300, 94.060, 94.100, 95.115, 95.125, 95.130, 95.145, 95.150, 95.155, 95.370, 95.385, 95.390, 95.410, 95.440, 95.445, 95.450, 95.510, 95.515, 95.527, 96.150, 98.030, 98.320, 98.500, 100.120, 108.010, 108.020, 108.040, 108.050, 108.060, 108.070, 108.090, 122.660, 122.670, 122.680, 122.690, 122.700, 122.710, 122.720, 122.730, 122.740, 122.750, 122.760, 122.770, 122.780, 122.790, 122.800, 122.810, 122.830, 122.840, 122.860, 122.880, 122.890, 122.900, 122.910, 122.920, 122.940,



122.950, 122.960, 122.970, 137.037, 137.065, 137.565, 137.570, 162.111, 162.223, 162.231, 162.251, 162.321, 162.341, 162.381, 162.421, 162.451, 162.481, 162.491, 162.561, 164.081, 164.091, 164.101, 164.121, 164.131, 164.141, 164.151, 166.161, 166.171, 177.031, 178.800, 178.810, 178.890, 182.020, 182.030, 182.100, 182.105, 182.260, 182.490, 190.015, 190.030, 190.035, 190.040, 190.045, 190.065, 190.070, 190.090, 198.210, 198.240, 198.250, 198.260, 198.270, 198.280, 198.310, 198.320, 199.080, 204.280, 204.370, 205.010, 205.020, 205.031, 205.041, 205.170, 205.180, 205.460, 205.470, 205.480, 205.570, 205.977, 205.978, 205.982, 206.020, 206.050, 206.060, 206.070, 206.080, 206.090, 206.120, 206.130, 210.330, 210.340, 210.350, 233.015, 233.020, 233.155, 233.180, 233.200, 233.290, 233.300, 233.330, 233.345, 233.455, 233.460, 235.030, 235.040, 235.070, 235.140, 235.250, 235.260, 247.040, 247.060, 247.130, 247.170, 247.190, 247.215, 247.220, 247.260, 247.270, 247.310, 247.320, 247.350, 247.430, 247.460, 247.470, 247.480, 247.550, 247.600, 247.610, 247.620, 247.630, 248.040, 249.070, 249.080, 249.090, 249.110, 249.134, 249.136, 249.140, 249.390, 249.760, 249.763, 249.765, 249.767, 249.770, 249.773, 249.790, 249.800, 249.810, 250.060, 257.010, 257.020, 257.090, 257.100, 257.110, 257.140, 257.160, 257.170, 257.310, 257.370, 257.380, 257.450, 273.170, 273.180, 311.110, 311.120, 311.130, 311.140, 311.150, 311.160, 311.160, 321.010, 321.030, 321.090, 321.130, 321.350, 321.360, 321.370, 321.380, 321.390, 321.400, 321.420, 321.460, 321.490, 321.495, 321.500, 321.600, 321.610, RSMo 1969, sections 55.045, 64.695, 64.800, 64.845, 64.885, 71.802, 72.080, 72.100, 72.130, 72.135, 91.120, 91.596, 91.660, 94.250, 94.280, 94.340, 94.400, 122.820, 122.850, 122.870, 122.930, 137.030, 249.010, 249.450, 162.071, 162.141, 162.191, 162.221, 162.241, 162.261, 162.361, 162.431, 162.441, 162.501, 162.825, 162.840, 162.845, 162.850, 162.851, 162.860, 162.865, 162.870, 162.910, 178.820, 178.840, 182.010, 182.150, 182.620, 182.650, 182.655, 182.660, 184.368, 184.370, 184.372, 190.050, 205.972, 230.205, 230.210, 230.215, 233.160, 247.217, 250.070, 260.245, 321.210, 321.650, RSMo 1975, sections 67.950, 72.310, 72.315, 72.320, 72.325, 72.335, 72.345, 90.500, 96.310, 100.110, 162.601, 162.603, 164.021, 182.140, 247.180, RSMo 1976, sections 67.950, 67.955, 78.550, 92.035, 94.510, 115.005, 115.023, 115.123, 115.127, 115.331, 162.061, 115.257, 162.101, 162.291, 162.351, 162.371, 162.471, 162.492, 164.031, 167.231, 321.120, 321.220, 321.225, 321.240 and 321.620, RSMo Supp. 1977 are repealed and four hundred and twenty-three new sections enacted in lieu thereof, to read as follows:

**1.020. Definitions.**—As used in the statutory laws of this state, unless otherwise specially provided or unless plainly repugnant to the intent of the legislature or to the context thereof:

(1) "County or circuit attorney" means prosecuting attorney, except when applied to the circuit attorney of the city of St. Louis;

(2) "Executor" includes administrator where the subject matter applies to an administrator;

(3) "General election" means the election held on the first Tuesday after the first Monday in November of even numbered years;

(4) "Heretofore" means any time previous to the day when the statute containing it takes effect; and "hereafter" means the time after the statute containing it takes effect;

(5) "Justice of the county court" means judge of that court;

(6) "Month" and "year." "Month" means a calendar month, and "year" means a calendar year unless otherwise expressed, and is equivalent to the words "year of our Lord";

(7) the word "person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations;

(8) "Personal property" includes money, goods, chattels, things in action and evidences of debt;

(9) "Place of residence" means the place where the family of any person

permanently resides in this state, and the place where any person having no family generally lodges;

(10) "Preceding" and "following" when used by way of reference to any section of the statutes, mean the section next preceding or next following that in which the reference is made, unless some other section is expressly designated in the reference;

(11) "Property" includes real and personal property;

(12) "Real property" or "premises" or "real estate" or "lands" is coextensive with lands, tenements and hereditaments;

(13) "State" when applied to any of the United States, includes the District of Columbia and the territories, and the words "United States" includes such district and territories;

(14) "Under legal disability" includes persons within the age of minority or of unsound mind or imprisoned;

(15) "In vacation" includes any adjournment of court for more than one day whenever any act is authorized to be done by or any power given to a court, or judge thereof in vacation, or whenever any act is authorized to be done by or any power given to a clerk of any court in vacation;

(16) "Will" includes the words "testament" and "codicil";

(17) "Written" and "in writing" and "writing word for word" includes printing, lithographing, or other mode of representing words and letters but in all cases where the signature of any person is required, the proper handwriting of the person or his mark, is intended;

(18) Roman numerals and Arabic figures are part of the English language.

**21.070. Qualifications of Senators.**—Each senator shall be thirty years of age, and next before the day of his election shall have been a voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not then of the district or districts from which the same shall have been taken.

**21.080. Qualifications of Representatives.**—Each representative shall be twenty-four years of age, and next before the day of his election shall have been a voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not then of the county or district from which the same shall have been taken.

**21.120. Writs of election, how directed.**—If any vacancy happens in the senate, for a district composed of more than one county, the writ of election shall be directed to the election authority of the county first named in the report establishing the district; and if the vacancy happens in a senatorial district, which has been divided or altered after the general election next preceding the occurrence of the vacancy, the writ of election shall be directed to the election authority of the county first named in the old district and if any vacancy happens in either house, for any county which has been divided after the general election next preceding the occurrence of the vacancy, the writ of election shall be directed to the election authority of the old county.

**21.130. Duty of election authority writ.**—The election authority to whom any writ of election is delivered shall cause the election to supply the vacancy to be held within the limits composing the county or district at the time of the next preceding general election, and shall issue its proclamation or notice for holding the election accordingly, and transmit a copy thereof, together with a

copy of the writ, the election authority of each of the counties within which any part of the old county or district lies, who shall cause copies of the notice to be put up, and the election to be held accordingly, in the parts of their respective counties as composed a part of the old county or district for which the election is to be held, at the last preceding general election; and the returns shall be made and the certificate of election granted in all things as if no division had taken place.

**47.030. Removal of county seat—vote of people.**—Whenever one-fourth of the voters of any county shall petition the county court for a removal of the seat of justice of such county to any other designated place, the court shall make an order directing that the question be submitted to the voters of the county at the next municipal election.

**47.040. Commissioners to be appointed if proposition adopted.**—If it shall appear by such election that two-thirds of the voters of the county, voting on the question, are in favor of the removal of the county seat of such county, then the county court shall appoint five commissioners to select a site whereon to locate the seat of justice.

**47.310. Proceedings for dividing counties.**—The question of dividing any county or of striking from any county any portion thereof, whether for the purpose of forming a new county or of adding to any other county, or of adding thereto any portion of any other county, may, by the order of the county court of any county to be affected, made on the petition therefor of not less than one hundred voters of such county, duly entered of record, and setting out fully the proposed change, the reason and object thereof, and the boundaries of such county if the change where made, be submitted to a vote of the people of the county, being the voters thereof, at the next general election after the making of such order.

The question shall be submitted in substantially the following form:

Shall the proposed change in the.....  
.....county boundary be made?

If the result shows a majority of the voters of the county voting on the question to have voted for the proposed change, the county clerk shall, at the time of certifying such returns to the secretary of state, also certify to that officer two copies of said order of the county court, and of said publication, and of the affidavit of the publisher, one copy to be retained on file in said secretary's office, and one copy, with a certified statement of the vote on such question, to be by him transmitted to the senate or house of representatives during the first ten days of the first session of the general assembly after the receipt thereof, and thereupon the general assembly may take such action in the premises, subject to the provisions of the constitution, as may seem best. No submission of the question authorized under the provisions of this section shall be held upon substantially the same question more often than once in five years.

**49.020. Election—term of office.**—At the general election in the year 1880, and every two years thereafter, the voters of each of said districts shall elect a county court judge, who shall hold his office for a term of two years and until his successor is duly elected and qualified; and at the general election in the year 1882, and every four years thereafter, the presiding judge of said court shall be elected by the voters of the county at large, who shall hold his office for the term of four years and until his successor is duly elected and

qualified. Each judge elected under the provisions of this chapter shall enter upon the duties of his office on the first day of January next after his election.

**51.020. Election—term of office—commissioned by Governor.**—At the general election in the year 1946, and every four years thereafter, the voters of the county at large in each county in this state shall elect a clerk of the county court, who shall be commissioned by the governor and who shall hold his office for a term of four years and until his successor is duly elected or appointed and qualified. Each clerk of the county court shall enter upon the duties of his office on the first day of January next after his election.

**51.030. Certificate of election recorded.**—The certificate of election with the oath or affirmation of office of such clerk endorsed thereon, shall be recorded in the office of the recorder of the county before any other duty of his office is discharged.

**53.020. County clerks to issue certificate of election.**—The clerks of the respective county courts shall deliver to the persons appointed as provided in this chapter, immediately after their appointment, a certificate thereof, under the seal of their respective county courts.

**55.045. Election of county auditor prior to becoming second class county.**—In any county of the third class which will become a county of the second class on the first day of January next following the general election at which a county auditor would normally be elected for a county of the second class, candidates may file and stand for election for the office of county auditor in such third class county and the winner of the election for each office shall assume his duties on the first day of January next following the election for the full four-year term of office.

**55.080. Certificate of election—oath of office.**—The auditor shall, before entering upon the duties of his office, take and subscribe to an oath endorsed on his certificate of election that he will support the Constitution of the United States and of the state of Missouri, and faithfully and impartially discharge all the duties of his office; which certificate and the oath of office endorsed thereon shall be recorded in the recorder's office of the county and then deposited and safely kept in the office of the clerk of the county court.

**56.430. Circuit attorney—election—qualifications (St. Louis City).**—At the general election to be held in this state in the year 1948, and every four years thereafter, there shall be elected in the city of St. Louis one circuit attorney, who shall reside in said city, and shall possess the same qualifications and be subject to the same duties that are prescribed by this chapter for prosecuting attorneys throughout the state.

**56.440. Prosecuting attorney—election—qualifications—term of office (St. Louis City).**—At the general election in the year 1950 and every four years thereafter, there shall be elected by the voters of St. Louis city a prosecuting attorney, to be styled, "The Prosecuting Attorney for the St. Louis Court of Criminal Correction of St. Louis City". Said prosecuting attorney shall possess the same qualifications as required by law for circuit attorneys; he shall hold his office for the term of four years, and until his successor shall be duly elected and qualified, unless sooner removed from office.

**57.010. Election—qualifications—certificate of election.**—At the general election to be held in 1948, and at each general election held every four years

thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, he shall enter upon the discharge of the duties of his office on the first day of January next succeeding his election.

**57.080. Vacancy in office, how filled—private person may execute process, when.**—Whenever from any cause the office of sheriff becomes vacant, the same shall be filled by the county court; if such vacancy happens more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same, and the person by it appointed shall hold said office until the person chosen at such election shall be duly qualified, otherwise the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified; but while such vacancy continues, any writ or process directed to the said sheriff and in his hands at the time such vacancy occurs, remaining unexecuted, and any writ or process issued after such vacancy, may be served by any person selected by the plaintiff, his agent or attorney, at the risk of such plaintiff; and the clerk of any court out of which such writ or process shall issue shall endorse on such writ or process the authority to such person to execute and return the same, and shall state on such endorsement that the authority thus given is "at the request and risk of the plaintiff", and the person so named in said writ or process may proceed to execute and return said process, as sheriffs are by the law required to do. Such election shall be held within thirty days after the vacancy occurs. Upon the occurrence of such vacancy, it shall be the duty of the presiding justice of the county court, if such court be not then in session, to call a special term thereof, and cause said election to be held.

**58.760. Election to adopt, when—form of ballot—transition provisions (certain counties).**—1. The provisions of sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 may be adopted by any other county of this state after approval by a vote of the people of the county. The governing body of the county may make an order presenting the question for the establishment of a county medical examiner and shall, upon a petition signed by a number of voters in the county equal to five percent of the total vote cast in the county at the last preceding election for governor requesting an election on the question, submit the proposition at an election.

The proposition shall be submitted in substantially the following form:

Shall the office of county medical examiner be established?

2. If a majority of those voting on the question vote for the adoption of a county medical examiner, the provisions of sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 shall apply to the county.

3. The coroner in any county adopting sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 in office at the time the county adopts sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 shall not be removed from office during the remainder of the term of office for which he was elected, but upon the expiration of his term, or upon his death or resignation, the office of coroner is abolished in the county

and a county medical examiner shall be approved as provided in sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765.

4. As used in sections 58.700 through 58.765 in reference to any county of the first class composed entirely of a city with a population of more than six hundred thousand, the term "governing body of the county" means the mayor of such city and the terms "city medical examiner" or "assistant city medical examiner" shall be used in lieu of "county medical examiner" or "assistant county medical examiner".

**59.040. Combination or separation of office—election—form of ballot (third class counties).**—In a county of class three, the question of combining the offices of circuit clerk and recorder or separating the offices may be submitted to the voters of the county by the county court and shall be submitted by the county court upon the petition of voters who comprise at least eight percent of the voters of the county as determined by the total vote for governor at the last preceding general election at which a governor was elected. If the two offices are separate and the question is to combine the two offices, the question shall be submitted in substantially the following form:

Shall the offices of the circuit clerk and

recorder in .....(name of county) county be combined?

If the two offices are combined and the question is to separate the two offices, the question shall be submitted in substantially the following form:

**Official Ballot**

Shall the offices of circuit clerk and

recorder in .....(name of county) county be separated?

The submission of the question provided for in this section may be made at the November election in 1948, or any fourth year thereafter. Any consolidation or separation brought about as a result of the provisions of this section shall not become effective until the expiration of the term of office of the officers affected.

**60.010. Surveyor to be elected in certain counties—term.**—At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in classes two, three and four shall elect some suitable person as county surveyor, who shall hold his office for four years and until his successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

**64.530. Planning or zoning to be adopted only after approval by voters—submission of question (second and third class counties).**—1. Before the county court of any such county shall adopt any plan or create any commission provided for in sections 64.510 to 64.690 it shall order the question as to whether or not the court shall adopt county planning or zoning submitted to the voters of the county.

2. The question shall be submitted in substantially the following form:

Shall county zoning (or planning) be adopted?

3. If a majority of the votes cast on the question be in favor of the adoption of zoning or planning the county court may then proceed as heretofore provided in sections 64.510 to 64.690.

**64.695. Termination of program, procedure—form of ballot (second and third class counties).**—1. Upon receipt of a petition signed by a number of voters in the county equal to five percent of the total vote cast in the county at the

next preceding election for governor requesting submission of the question, the county court in any county which has adopted a program of county planning, county zoning or county planning and zoning shall, submit to the voters of the county the question to terminate the program.

The question shall be submitted in substantially the following form:

Shall county planning (county zoning or county planning and zoning) be terminated?

2. If a majority of those voting on the question vote for the termination of the program, the county court shall declare the program terminated and shall discharge any commission appointed thereunder. Any resolution, ordinance or regulation adopted under the program pursuant to the provisions of sections 64.510 to 64.690 shall be void and of no effect from and after the termination of the program as provided in this section.

**64.800. Creation of county planning commission—election.—**1. The county court of any county of the first class not having a charter form of government, or of any county of the second, third or fourth class may, after approval by vote of the people of the county, create a county planning commission to prepare a county plan for all areas of the county outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of this state.

2. The county court may make an order to present to the voters of the county the question for the establishment of county planning.

The question shall be submitted in substantially the following form:

Shall county zoning be adopted?

3. If a majority of the votes cast on the question be in favor of county planning, the county court shall create by order entered of record a county planning commission to proceed with a program of county planning as provided in sections 64.800 to 64.840.

**64.845. Creation of county zoning program—election.—**1. The county court of any county of the first class not having a charter form of government, or of any county of the second, third or fourth class may make an order to present to the voters of the county the question for the establishment of county zoning as provided in sections 64.845 to 64.880.

The question shall be submitted in substantially the following form:

Shall county zoning be adopted?

2. If a majority of the votes cast is in favor of county zoning, the county court shall proceed with a program of county zoning as provided in sections 64.845 to 64.880.

**64.885. Creation of county planning and zoning program—election.—**1. The county court of any county of the first class not having a charter form of government, or of any county of the second, third or fourth class may make an order to present to the voters of the county the question for the establishment of county planning and zoning as provided in sections 64.800 to 64.840 and sections 64.845 to 64.880.

The question shall be submitted in substantially the following form:

Shall county planning and zoning be adopted?

2. If a majority of the votes cast is in favor of county planning and zoning, the county court shall proceed with a program of county planning and zoning as provided in sections 64.800 to 64.840 and 64.845 to 64.880.

**64.900. Termination of county planning, zoning—election.—**1. Upon receipt

of a petition signed by a number of voters in the county equal to five percent of the total vote cast in the county at the next preceding election for governor requesting the submission of the question, the county court in any county which has adopted a program of county planning, county zoning or county planning and zoning shall, make an order to submit to the voters of the county the question to terminate the program.

The question shall be submitted in substantially the following form:

Shall (county planning, county zoning, or county planning and zoning) be terminated?

2. If a majority of those voting on the question vote for the termination of the program, the county court shall declare the program terminated and shall discharge any commission appointed thereunder. Any resolution, ordinance or regulation adopted under the program pursuant to the provisions of sections 64.800 to 64.905 shall be void and of no effect from and after the termination of the program as provided in this section.

**65.020. Adoption, abolishment—vote necessary.**—The township organization form of county government shall not become operative unless adopted by a vote of the majority of the voters of the county voting upon the question. All counties of the third and fourth classes which have adopted township organization form of county government may abolish the same by submitting the question to a vote of the voters of the county.

**65.030. Proposition submitted—election held, when—form of ballot.**—Upon petition of at least one hundred voters of any county of the third or fourth classes praying therefor, which said petition shall be filed in the office of the clerk of the county court, the county court of such county shall, by order of record, submit the question of the adoption of township organization form of county government to a vote of the voters of the county. If such petition shall be filed sixty days or more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county court shall give notice that a proposition for the adoption of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county court authorizing such election to be published.

The question shall be submitted in substantially the following form:

Shall the township organization form of county government be adopted in.....county?

If a majority of the voters voting upon the question shall vote for the adoption thereof the township organization form of county government shall be declared to have been adopted; provided, that counties adopting township organization shall be subject to and governed by the provisions of the law relating to township organization on and after the last Tuesday in March next succeeding the election at which such township organization was adopted.

**65.040. Abstract of returns.**—The clerk of the county court shall cause an abstract of the returns of said election to be made out and certified as in election for state and county officers, record the same at length upon the records of the county court of the county.



**65.140. Officers—notification of election.**—The township clerk shall, within ten days after such township election, transmit to each person elected to any township office a notice of his election.

**65.150. Eligibility for office.**—No person shall be eligible to any township office unless he shall be a voter and a resident of such township.

**67.755. Use of facilities of other governmental agencies, when.**—1. The governing body of any political subdivision may provide, establish, equip, develop, operate, maintain and conduct a system of public recreation, including parks and other recreational grounds, playgrounds, recreational centers, swimming pools, and any and all other recreational areas, facilities and activities, and may do so by purchase, gift, lease, condemnation, exchange or otherwise, and may employ necessary personnel. Funds to be spent for such purposes may be set up in their respective budgets by any governing body.

2. If sufficient funds cannot be made available from ordinary levies, additional funds may be raised by a special tax levy, general obligation bond issue within constitutional limits or revenue bond issue, but no special tax shall be levied or any bonds issued by any political subdivision unless the rate and purpose of the tax or bond issue is submitted to a vote and a two-thirds majority of the voters voting thereon vote therefor. The rate of such special tax levied by one or more political subdivisions shall not total in the aggregate more than twenty cents on each one hundred dollars assessed valuation of all real and tangible personal property subject to its or their taxing powers. In the event that any political subdivision is now authorized by statute to levy a tax for this purpose, the combined levies authorized by such statute and by this section shall not exceed the larger levy authorized. All ballots submitting such special tax to the voters shall state on their face the rate of the proposed levy in cents per hundred dollars of assessed valuation.

3. The governing body charged with the administration of a public recreational facility may sell at public sale any property acquired for the facility by means other than condemnation, in excess of that actually occupied by the public recreational facility and all proceeds from such sales shall be used to retire any revenue bonds issued to finance the project.

**67.950. Dissolution of certain special purpose districts—procedure for election, form of ballot.**—Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the voters of the district or upon the motion of a majority of the members of the governing body it shall submit the question to the voters in the district using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the district.

The question shall be submitted in substantially the following form:

Shall the . . . . . district be dissolved?

(2) If the question receives a majority of the votes cast the district shall be dissolved for all purposes except the payment of outstanding bonded indebtedness, if any.

**67.955. Procedure for dissolution—bonded indebtedness, effect of.**—1. The governing body, upon passage of a proposition to dissolve, shall dispose of all

assets of the district and apply all proceeds to the payment of all indebtedness of the district and if any funds are left after such liquidation they shall be paid to the taxpayers of the district, such payments shall be computed on the ratio of each taxpayer's tax paid in to the total tax collected for the last taxable year for which the district collected taxes. The liquidation, payments and refunds shall be completed within one hundred twenty days after the date of the submission of the question and the district shall cease to exist; except that if general obligation bonded indebtedness exists the district shall continue to exist solely for the purpose of levying and collecting taxes to pay such indebtedness.

**70.020. Petition for special election concerning joint proposal.**—Whenever eight percent of the voters of each of any two or more contiguous counties, not exceeding ten, shall sign a petition, and shall file the same with their respective county courts requesting the submission of the question of permitting said counties to perform a common function or service or employ a common officer or employee, it shall be the duty of said county courts to submit the question to the voters of their respective counties at the next municipal election. The total vote for governor at the last general election before the filing of the petition whereat a governor was elected shall be used to determine the number of voters necessary to sign the petition.

**70.040. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... county join with ..... (name of other county or counties in which a similar petition was filed) to ..... (proposed common function, service, officer, or employee)?

**70.050. Certification of election to Secretary of State—vote necessary for adoption.**—Within ten days after such election, the county clerk of each of such counties shall send a correct and duly certified abstract of the votes polled at such election to the secretary of state. If a majority of the voters voting on the question vote for the question in each of the counties taken separately it shall be deemed to have been adopted, but if it shall fail to receive a majority in any one or more of the counties, it shall be deemed to have failed. The secretary of state shall canvass the certified abstracts and notify the presiding judge of each of the county courts of the results.

**70.070. Procedure for withdrawal from joint undertaking.**—Whenever eight percent of the voters of any county which shall have voted to participate in a common undertaking as contemplated in sections 70.010 to 70.090 shall sign and file a petition with the county court of said county requesting that the submission of the question of withdrawing from said joint undertaking, it shall be the duty of said county court to submit the question to the voters of said county at the next municipal election. The total vote for governor at the last general election before the filing of the petition whereat a governor was elected shall be used to determine the number of voters necessary to sign the petition. The question shall be submitted in substantially the following form:

Shall ..... county withdraw from joint participation with ..... (name of other county or counties participating in ..... common function, service, officer or employee)? Within ten days after such election, the county clerk of such county shall send a correct and duly certified abstract of the votes polled at such election to the secretary of state. If a majority of the voters voting on the proposition vote for the proposition, it shall be deemed to have been adopted. The secretary of state shall notify the presiding judge of each of the counties partici-

pating in the joint undertaking of the results. Upon the receipt of the notice that such a question to withdraw from joint participation in the undertaking has been adopted in any one or more of the participating counties, the presiding judge of the most populous county in the group still participating, as determined by the last federal decennial census, shall proceed as in the case of the formation of a new group of counties as directed in section 70.060.

**71.017. Plat of proposed area—acceptance how—election, how conducted—approval by voters, effect of.—1.** The owners of a tract of land not more than ten miles distant from the nearest limits of the city, town, or village, or within such greater distance as may be reasonable under the circumstances in order to secure the most desirable site, may present to the legislative body of the city, town, or village a plat containing the same information as is required by the laws of this state to be contained in a plat of an original townsite. The legislative body shall examine the plat, and may require such amendments, changes, additions, or withdrawals therefrom as it deems necessary, and if the legislative body finds that the area contained in the plat is a suitable and desirable site to which the city, town, or village should be moved, it shall pass an ordinance declaring the acceptance of the plat, and shall submit to the voters of the city, town, or village, the question of whether the territory comprised within the plat shall be annexed. The requirements of section 71.015 shall not apply to an annexation under the provisions of sections 71.016 to 71.019.

2. If the annexation of the territory comprised within such plat is approved by a majority of the voters of the city, town, or village voting on the question the legislative body shall so declare by resolution, and shall cause a copy of its resolution and the original plat to be filed for record in the office of the county clerk. If part or all of the territory comprised within the plat lies in a county other than that in which the existing territory of the city, town, or village lies, the resolution and the plat shall be recorded in each county. Upon the date of the filing of the resolution and the plat, the territory comprised within the plat shall be annexed to and shall form a part of the city, town, or village.

**71.020. Changing name of town.—**Whenever a petition, signed by the voters of any city, incorporated town or incorporated village of this state, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner herein provided.

**71.380. Fire protection contracts.—**Any two or more incorporated cities wishing to take advantage of sections 71.370 to 71.390, may, by ordinance duly enacted in each of such cities, agree upon the terms upon which such fire protection shall be furnished, and such agreement may, where two or more such cities have fire departments, include an interchange of the service of such fire departments upon such terms as are agreed upon; or such agreement may provide for the payment of a stated sum per month or per year, or a stated sum per fire, or any other method of compensation for such fire protection that is agreed upon by the two or more incorporated cities entering into such contract; provided, that any contract for a longer period than five years shall have no binding force until ratified by a majority of the voters voting on the question in each of the cities entering into such contract.

**71.440. Joint fire department—cost of maintenance, how met.—1.** For the purpose of paying its share of the cost of any of the expenditures herein authorized,

exclusive of annual cost of maintenance, any city, town or incorporated village which may have entered into a joint contract, as provided in sections 71.400 to 71.430, may become indebted to an amount exceeding, in any year, the income and revenue provided for such year, the amount of such indebtedness, including existing indebtedness at the time of incurring the same, not to exceed, in the aggregate, five percent on the value of the taxable property in said municipality, to be ascertained by the assessment next before the last assessment for state and county purposes previous to the incurring of such indebtedness.

2. To incur such indebtedness, the council, board of aldermen or board of trustees of the contracting parties, each acting separately, shall order that the question be submitted to the voters to determine whether or not bonds shall be issued by said municipality, as herein authorized. The notice shall state the amount of indebtedness to be incurred and of the increase in the rate of taxation, if any, necessary to discharge such indebtedness in the manner provided by law.

**71.450. Joint fire department—bond election—tax increase.**—The question shall be submitted in substantially the following form:

Shall the joint fire departments of ..... and ..... incur indebtedness, evidenced by the issuance of bonds, in the amount of ..... dollars, and increase taxes by ..... for the purpose of .....

**71.470. Joint fire department—issuance of bonds—imposition of tax.**—If it appears from the returns of said question that two-thirds or more of the voters of such municipality were in favor of incurring such indebtedness, the council, board of aldermen or board of trustees shall pass an ordinance reciting the submission of the question and the result thereof, both for and against the question, and if the result, as certified, shall be in favor of the issuing of the bonds, then the council, board of aldermen or board of trustees in the same ordinance shall direct the issuance of said bonds to the amount of the debt so authorized to be incurred and shall, either before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and also to create a sinking fund for the payment of the principal thereof within twenty years from the date of contracting the same.

**71.530. Municipalities may contract for utilities—ratification.**—The municipal authorities of any city, town or village are hereby authorized to contract with any corporation organized under the laws of Missouri for the purpose of supplying any city, town or village with gas, electricity or water for the lighting by gas, electricity, or supplying with water the streets, lanes, alleys, squares and public places in such city, town or village. The municipal authorities of any city, town or village, in which a domestic corporation for the purpose of supplying water therein shall be organized under the laws of this state, or which heretofore was organized under the laws of this state, may contract with any such company for the purpose of supplying with water the streets, lanes, alleys, squares and public places in any such city, town or village for any length of time which shall be agreed upon between such city, town or village and such company, for a term not to exceed twenty years; and the provisions of this section shall apply to all cities, towns and villages in this state, whether organized by special charter or under the general laws of the state, any provisions in any special charter of any city, town or village in the state to the contrary notwithstanding; provided, that contracts entered into under the provisions of this section shall have no legal force until the same shall be submitted to a vote of the voters, of such city, town or village, and shall be ratified by a two-thirds majority of the votes polled on the question.

**71.550. Water supply contract—voter approval.**—Before any contract as authorized in section 71.540 shall be entered into with any private corporation by any incorporated city, town or village, or cities, towns and villages in this state, said contract shall be approved by a majority of all the voters voting thereon.

**71.650. Tax for band fund—limitations.**—The mayor and council, board of aldermen or board of trustees may levy a tax of not more than one-half mill on each one dollar assessed valuation on all property in such city, village or town, or, when initiated by a petition signed by at least ten percent of the voters, the question shall be submitted to the voters, and a majority of the voters thereon shall be sufficient to carry the provisions of this law into effect, and it shall become the duty of the mayor and council, board of aldermen or board of trustees to levy each year on all the property in such city, village or town, a tax of not to exceed two mills, or such part thereof as shall be petitioned for, on each one dollar assessed valuation.

The question shall be submitted in substantially the following form:

Shall ..... (name of city, town, or village) levy a tax of ..... mills on each one dollar assessed valuation for the creation of a band fund?

The levy made under either of the options of sections 71.640 to 71.670 shall not increase the tax levy of any such political subdivision to exceed the limitations fixed and prescribed by the constitution and laws of this state.

**71.660. Discontinuance of tax for band fund, procedure.**—A petition, signed by at least ten percent of the voters, may at any time be presented asking that the following question be submitted: "Shall the tax for the creation of a 'band fund' be discontinued?" and if a majority of the votes be cast in favor of said question, no further tax shall be made.

**71.715. Sewerage service charges may be imposed, how collected—use of proceeds.**—1. The governing body of any municipality which has provided common sewers may by ordinance establish just and equitable charges or rents for the use of the sewers to be paid by persons who discharge sewage into the common sewers of the municipality. Any ordinance adopted under this section shall become effective upon its approval by a majority of the votes cast thereon.

2. Any municipality adopting an ordinance under this section may fix the charges or rentals for sewerage services on the basis of the amount of water used by each consumer within the municipality. If the municipality provides water to residents within the municipality the amount of the charges or rentals may be collected by adding the amount thereof to the charges for water. If the water is not supplied by the municipality, the municipality may

(1) Impose upon any person providing water within the municipality the duty of collecting and remitting to the municipality the charges or rentals for sewerage service and may prescribe penalties for the failure to make the collections and remittances; provided, however, that in such case the city shall reimburse the person for all expense (including, but not limited to, overheads, use of equipment, personnel and office space) incurred in collecting and remitting the charges or rentals. The reimbursements shall be made every three months, or

(2) Collect its own charges or rentals on the basis of the amount of water used by each consumer, in which case it is the duty of the person providing water within the municipality to furnish the municipality such information as is necessary for it to calculate its charges for sewerage service.

3. All charges and rentals collected under any ordinance adopted under this section shall be deposited by the municipality into a special fund and shall be

used only for the purpose of acquiring, constructing, improving, extending and maintaining municipal sewers and sewerage treatment plants with all appurtenances necessary, useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of the liquid and solid waste, sewage and domestic and industrial waste of the municipality. The rentals and charges in the special fund may be permitted to accumulate until amounts necessary for any sewer or sewerage treatment plant project planned by the municipality are available.

**71.802. General obligation bonds authorized, when—election, notice of—form of ballot.**—1. Any district established under the provisions of sections 71.790 to 71.808 may, upon a vote of two-thirds of the voters of the district voting thereon, incur indebtedness and issue bonds or notes for the payment thereof. Notice of the election, the amount and the purpose of the loan shall be given.

2. The question shall be submitted in substantially the following form:

Shall the special business district incur indebtedness for the purpose of ..... in the amount of ..... dollars, evidenced by the issuance of bonds or notes and levy a real estate tax to pay therefor?

3. If two-thirds of the votes cast are for the indebtedness, the district shall, subject to the restrictions of section 71.796 and section 71.800 be vested with the power to incur indebtedness in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

4. The indebtedness authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the indebtedness shall at no time exceed, including the existing indebtedness of the district, in the aggregate ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes. It shall be the duty of the district to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

**71.870. Separate elections required for annexation.**—The legislative body of any city, town or village located within the boundaries of a first class chartered county shall not have the power to extend the limits of such city, town or village by annexation of unincorporated territory adjacent to the city, town or village in accordance with the provisions of law relating to annexation by such municipalities until the question of annexation is submitted and is carried by a majority of the total votes cast in the city, town or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. There shall be separate submissions of the question of annexation to the two groups of voters, the same to be held simultaneously.

**71.880. Notice to election authority and governing body of county.**—Whenever any city, town or village located in a first class chartered county desires to annex any unincorporated land of the county, the governing body of the city, town or village shall, before proceeding as otherwise provided by law, certify a notice of such fact to the election authority and to the governing body of the first class charter county, which notice shall include:

(1) The description by metes and bounds of the unincorporated territory sought to be annexed, and

(2) A copy of the order, resolution or ordinance which contains the legislative act of the municipality ordering the submission of the question.

**71.900. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... (name of city, town, or village) annex unincorporated territory adjacent to it?

**71.910. Proposition not to be resubmitted, when.**—In the event that the question of annexing such territory fails to receive the necessary majorities, the question shall not be resubmitted to the voters for a period of at least two years.

**71.920. City limits may be extended by ordinance if approved by unanimous affirmative vote in both elections.**—In the event that the question of annexing such territory is approved by a unanimous affirmative vote in both the annexing municipality and the territory sought to be annexed, the annexing municipality, other provisions of this chapter notwithstanding, shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city, town or village limits are extended. Upon duly enacting such annexation ordinance, the municipality shall cause three certified copies of the same to be filed with the clerk of the county wherein the municipality is located, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that municipality as so extended.

**72.050. Villages—may vote to become city of fourth class.**—All towns not now incorporated in this state containing less than five hundred inhabitants are hereby declared to be villages; provided, that any village in this state now or hereafter having more than two hundred inhabitants may by majority vote of the voters therein elect to become a city of fourth class.

**72.060. May cause census to be taken, when.**—Any city, town or village within this state, now incorporated under the provisions of this chapter, or under any special or local law, as a village, town or city, either of the second, third or fourth classes, as classified in said chapter, and in which the citizens thereof desire incorporation as a village, town or city of a higher class, and believe that since the taking of the last census, state or national, there has been sufficient increase in population to entitle it to such desired incorporation, may, by authority of an ordinance, and at the expense of such village, town or city, cause to be taken a census of its population, and should such census, when so taken, show that the village, town or city taking the same, has the requisite population to entitle it to the right to become incorporated as a village, town or city of the higher class, then such village, town or city may proceed to secure such incorporation as its population may then entitle it to, under and by authority of the provisions of this chapter; provided, that cities or towns that have permitted their organization to become dormant or ineffective, through a failure to elect corporate officers or levy a corporate tax for the two years immediately preceding, may, by a petition of the majority of the taxpayers of such city or town to the county court, have an enumeration taken and be assigned to its proper class; and thereupon the county court shall appoint the proper officers for such city or town, who shall hold their office until the next municipal election thereafter and until their successors are elected and qualified.

**72.153. Cities separated by street or stream may consolidate as though contiguous.**—If the cities, towns or villages proposing to consolidate are separated only by a street, road or other public way, or a stream, or vacant land, they may consolidate as though they were adjoining and contiguous by taking in the street,

road or other public way, or stream or vacant land as part of the consolidated municipality. The question submitted to the voters of each city, town or village shall include a provision that the street, road or other public way, or stream or vacant land to the extent set out by appropriate description in the proposition shall become a part of the consolidated municipality upon approval of the voters voting on the question.

**72.160. Petition of voters for election—county court to order election, how and when.**—Whenever a petition containing the signatures of one hundred voters, or fifteen percent of the total number of votes cast in the last preceding election, whichever is greater, in each of the affected municipalities (provided, however, that in the event any affected municipality has a population of less than one thousand the one hundred or more minimum signature requirement shall not apply, and only the fifteen percent requirement shall apply as to such municipality) shall petition the county court to order the question of consolidation of such cities, towns or villages into one city, town or village, the county court at the next regular or special term of said court shall submit the question to the voters.

**72.165. County court to submit question, when.**—The county court may submit the question of consolidation when it receives ordinances from one or more municipalities and petitions from residents of one or more other municipalities requesting the submission of the question, if the ordinances and petitions propose the same terms and conditions for consolidation and fulfill the requirements of sections 72.150 to 72.205.

**72.170. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... and ..... consolidate?

**72.180. Consolidation effective, when.**—If it shall appear that a majority of the votes cast in each one of said municipalities on the question shall be in favor of consolidation the certificate of the clerk shall be recorded in the journal of the council, board of trustees or board of aldermen of each of said cities, towns or villages, and consolidation of such cities, towns or villages thereafter be consummated.

**72.185. Charter commission to recommend name and form of government of consolidated municipality—approval by election.**—In the event that the question as voted upon does not contain the name and form of government of the proposed consolidated municipality and the details of transition, such as which officers will serve, which employees shall be retained, what taxes will be collected, what ordinances will be in effect and similar matters for the operation of the consolidated municipality until the new governing body provides otherwise, then the governing body of each affected municipality shall select five commissioners to meet with similar commissioners appointed from the other affected municipalities, the commissioners to study and recommend an appropriate name and form of government of the consolidated municipality and the details of the transition. The commissioners shall recommend the name and form of government of the consolidated municipality and the details of the transition, and, if the question fails to pass by a simple majority in both or all of the same affected municipalities, a new charter commission shall be appointed which shall submit a second recommendation to the voters. If the second recommendation as to name and form of government and the details of the transition shall also fail to pass by a simple majority, the results of the two submissions shall be compared and the question receiving the highest



total number of votes in favor thereof shall be considered as having passed by a simple majority.

**72.195. Bonded indebtedness of municipalities to become debt of consolidated municipality—when.**—Unless otherwise provided in the proposition as voted upon, the bonded indebtedness of each municipality at the time of the consolidation which was incurred for the purpose of purchasing, constructing or repairing local improvements or facilities for the residents of the municipality shall continue to be the debt of the taxpayers in the area of the former municipality and a special tax sufficient to retire the indebtedness shall be levied against the property within the area of the former municipality, but the bonded indebtedness of any municipality which was incurred for the purpose of purchasing, constructing or repairing improvements or facilities which are to be used generally by the consolidated municipality shall become the indebtedness of the consolidated municipality. The question as originally submitted shall list each separate bonded indebtedness of the municipalities and shall clearly indicate whether the tax necessary to retire it is to be levied generally or locally.

**72.210. Two or more cities may consolidate—procedure.**—When two or more cities in this state, each containing a population of less than five hundred thousand inhabitants, adjoining and contiguous to each other in adjoining counties shall be desirous of being consolidated, it shall be lawful for them to consolidate under one government of the highest class under which either of said cities is organized and take the name of said city in the same manner and subject to the provisions of this chapter prescribed for the consolidation of adjoining cities in the same county and furnishing bonds by those petitioning for such elections, the subdivisions of the consolidated city into wards and the calling of an election for officers in such consolidated city shall be done by the respective county courts of the counties in which such cities are situated and said elections shall be held simultaneously on the same day.

**72.220. Procedure—form of ballot to be used.**—Whenever twenty-five percent of the voters of such adjoining cities in adjoining counties shall petition their respective county courts to order the submission of the question on the consolidation of such cities into one city, said county courts at their next regular or special term of said courts shall order the submission of the question to the voters. The question shall be submitted in substantially the following form:

Shall ..... and ..... consolidate?

**72.080. Cities and towns may be incorporated in their respective classes.**—Any unincorporated city, town or other area of the state may become a city of the class to which its population would entitle it under this chapter, and be incorporated under the law for the government of cities of that class, in the following manner; Whenever a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated shall present a petition to the governing body of the county in which such city or town or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated and be accompanied by a plat thereof, shall state the approximate population and the assessed valuation of all real and personal property in the area and shall state facts showing that the proposed city shall have the ability to furnish normal municipal services within a reasonable time after its incorporation is to become effective and praying that the question be submitted to determine if they may be incorporated. If the governing body shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial

torial election in the area proposed to be incorporated have signed such petition, the governing body shall submit the question to the voters. If a majority of the voters voting on the question vote for incorporation, the governing body shall declare such city, town or other area incorporated, designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and incorporate, by the name and style of "the city of .....", or "the town of .....", and the first officers of such city or town shall be designated by the order of the governing body, who shall hold their offices until the next municipal election and until their successors shall be duly elected and qualified. The county shall pay the costs of the election.

**72.100. City or town situated on county line.**—Provided, that when any city, town or other area is or may be situated on the county line, and in two counties, the petition shall be signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed in each county to be incorporated of such city, town or other area in each county, and presented to the governing body of each county, and designating that each of the two governing bodies equally shall designate the officers therefor. If the governing body of each county shall be satisfied that a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed in each county to be incorporated have signed such petition, the governing bodies of each county shall submit the question to the voters. If a majority of the voters voting on the question, of each of the counties in such city or town, vote for incorporation, the governing bodies of each county shall declare such city or town incorporated and the inhabitants thereof shall thenceforth be a body politic and incorporate, by the name and style of "the city of .....", or "the town of .....", and provided further, that appeals taken from the decision of the mayor, judge or other officer before whom any cause is tried, acting for said city, town or other area may be sent to the circuit court of either county wherein such city or town is situated, as may be specified in the order granting such appeal.

**72.130. No incorporation within two miles of existing city, where, exceptions.**—No city, town, village or other area shall be organized within any county of the first class not having a charter form of government, or within any county of the second, third or fourth class within this state under and by virtue of any law thereof, adjacent to or within two miles of the limits of any city of the first, second, third or fourth class or any constitutional charter city, unless the city, town, village or other area be in a different county from the city, except that a city, town, village or other area may be incorporated within the two mile area if a petition signed by a number of voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be incorporated is presented to the existing city requesting that the boundaries of the existing city be extended to include the area proposed to be incorporated and if action taken thereon by the existing city is unfavorable to the petition, or if no action is taken by the existing city on the petition, then the city, town, village or other area may be incorporated after the expiration of one year from the date of the petition and upon a favorable majority vote on the question.

**72.135. Resubmission within year prohibited.**—No such question shall be resubmitted for substantially the same area within one year after defeat of the question.

**72.310. Election, how ordered.**—Upon adoption of the resolution setting forth the plan of absorption, the governing body of each municipality involved shall

order the submission of the question of absorption to the voters of each municipality involved.

**72.320. Form of ballot.**—1. The question shall be submitted in substantially the following form:

Shall the municipality of ..... absorb the municipality of .....?

2. If a majority of the voters voting on the proposition in each of the municipalities involved vote for the absorption, such absorption shall be consummated as provided in sections 72.300 to 72.350 and not otherwise.

**72.325. Procedure for and effect of absorption.**—Upon approval of the question in each of the municipalities involved, the absorption shall be accomplished on the date contained in the resolutions by the municipality specified in the resolution as the one which is to absorb the other municipalities shall succeed to the corporate existence and the territorial limits of the municipalities being absorbed and the municipalities absorbed shall cease to exist as separate municipal entities. All the property, real, personal and mixed, and all rights of every kind and nature belonging to and vested in each municipality being absorbed shall be transferred to and vested in the municipality which is absorbing the others on the effective date of the resolutions. All debts and liabilities and all other choses in action, and all and every interest of or belonging to each of the municipalities absorbed shall be taken and transferred to and vested in the municipality which is absorbing the others on the effective date of the resolutions. The title to any real estate, or any interest therein, vested in any municipality which is absorbed shall not revert or be in any way impaired by reason of the absorption.

**72.335. Bonded indebtedness, effect on—notice of indebtedness required in resolution and election notice.**—The bonded indebtedness of each municipality being absorbed at the time of the absorption which was incurred for the purpose of purchasing, constructing or repairing local improvements or facilities for the residents in the area of a municipality being absorbed shall continue to be the debt of the taxpayers in the area of the municipality being absorbed and a special tax sufficient to retire the indebtedness shall be levied against the property within the area of the municipality being absorbed, but the bonded indebtedness of any municipality involved in the absorption which was incurred for the purpose of purchasing, constructing or repairing improvements or facilities which are to be used generally by the entire area of the municipality which absorbs the others shall become the indebtedness of the entire area of the absorbing municipality and the area which it absorbed. The question as originally submitted by resolutions and the notice of the election shall list each separate bonded indebtedness of the municipalities involved and shall clearly indicate whether the tax necessary to retire it is to be levied generally or locally.

**72.345. Notice of approval of absorption, who to send and receive.**—Upon the approval of the question of absorption by the voters in each of the municipalities involved, the governing body of the municipality which is absorbing the other municipalities shall send notice containing the results of the election and a copy of the resolutions of absorption to the clerk of the county in which the municipalities involved are located and to the secretary of state.

**77.040. Election of officers—date—term.**—A general election for the elective officers of each city of the third class shall be held after the organization of the city under the provisions of this chapter and on municipal election days every two years thereafter, the city council may by ordinance provide for the nomination of

officers by primary election; and provided, that all certificates of nomination and petitions therefor, shall be filed with the city clerk and not with any other officer. Any city organizing under the provisions of this chapter may elect a mayor and such other officers as may be necessary to carry this chapter into effect, who shall hold office until their successors are elected and qualified, provided, that the assessor shall hold office until the first day of September and until his successor is elected and qualified, and the term of office of the assessor in such cities shall commence on the first day of September after the election at which he is elected.

**77.050. Election may be ordered, how, when.**—If at any time, by reason of nonacceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order an election, any magistrate or judge of the county court of the county is empowered to order an election for city officers.

**77.180. Election to be held for issuance of bonds.**—Before any such bonds shall be issued the mayor and council shall, by ordinance, provide that said bonds shall be issued, which said ordinance shall fix the maximum amount of said bonds and in a general way the purposes for which said money shall be expended and shall submit the question to issue bonds to the voters of the city. The ballots shall state the maximum amount of bonds proposed to be issued and the fact that such bonds are not to be payable from taxation and will not be a debt of said city and the general purpose for which they are to be issued. If the majority of voters voting on the question assent, the mayor and city council may, by ordinance, cause such bonds of such municipality not exceeding the maximum amount submitted to the voters to be issued for the purpose set out in said ordinance and secure the same as herein provided.

**77.240. Vacancy in office of mayor, how filled—president pro tem, duties of.**—When any vacancy shall happen in the office of mayor, by death, resignation, removal from the city, removal from office, refusal to qualify or otherwise, the president pro tem of the council shall, for the time being, perform the duties of mayor until such vacancy be filled; and in case of the temporary absence of the mayor or disability to perform the duties of his office, the president pro tem of the council shall perform the duties of mayor until the mayor shall return or such disability be removed; and during the time the president pro tem of the council shall act as mayor, he shall receive the same compensation that the mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

**77.370. Elective officers—terms.**—1. Except as hereinafter provided, the following officers shall be elected by the voters of the city: Mayor, police judge, attorney, assessor, collector, treasurer and, except in cities which adopt the merit system police department, a marshal.

2. The attorney shall be a person licensed to practice law in Missouri.

3. Whenever a city contracts for the assessment of property or the collection of taxes by the county or township assessor or collector, respectively, as authorized by section 70.220, RSMo, the city council shall by ordinance provide that at the expiration of the term of the then city assessor or collector, as the case may be, the office is abolished and thereafter no election shall be had to fill the office; except that in the event the contract expires and, for any reason,

is not renewed, the council may by ordinance provide for the election of such officer at municipal elections.

4. The term of office for each of the officers is two years except the office of mayor which is a four year term. All officers hold office until their successors are duly elected and qualified.

**77.380. Officers to be voters and residents of city, exceptions.**—All officers elected or appointed to offices under the city government shall be voters under the laws and constitution of this state and, except the city sextons, the city attorney in cities of less than three thousand inhabitants, appointed police officers, and other employees having only ministerial duties, must be residents of the city. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes, or forfeiture or defalcation in office.

**77.450. Vacancies, how filled.**—If a vacancy occur in any elective office, the mayor, or the person exercising the office of mayor, shall cause a special election to be held to fill such vacancy; provided, however, when any such vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the mayor or the person exercising the office of mayor by appointment; provided further, that any vacancy in the office of councilman which may occur within said six months shall be filled by election, in such manner as may be provided by ordinance. If a vacancy occur in any office not elective, the mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the council thereafter, at which time such vacancy shall be permanently filled.

**78.010. Definitions.**—In the construction of sections 78.010 to 78.420 the following rules shall be observed, unless such construction would be inconsistent with the manifest intent or repugnant to the context of the statute:

(1) The words "councilman" or "alderman" shall be construed to mean councilman when applied to cities under said sections.

(2) When an office or officer is named in any law referred to in said sections, it shall, when applied to cities under said sections, be construed to mean the office or officer having the same functions or duties under the provisions of said sections, or under ordinances passed under authority thereof.

(3) The word "franchise" shall include every special privilege in the streets, highways and public places in the city, whether granted by the state or the city, which does not belong to the citizens generally by common right.

(4) The "voters" shall be construed to mean persons qualified to vote for elective offices at municipal elections.

**78.030. Election—petition for—how held—officers elected, when.**—Upon petition of voters equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall, by proclamation, submit the question of organizing as a city under sections 78.010 to 78.420 at an election. If said plan is not adopted at the last election, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be resubmitted upon the presentation of a petition signed by voters as herein provided, equal in number to twenty-five percent of all votes cast for all candidates for mayor at the last preceding election. At such election the proposition to be submitted shall be "Shall the proposition to organize the city of (name of city) under sections 78.010 to 78.420 be adopted?" If the majority of the votes cast shall be in favor thereof, cities shall proceed to the elec-

tion of mayor and councilmen. Immediately after such proposition is adopted, the mayor shall transmit to the governor, the secretary of state and to the county clerk each a certificate stating that such proposition was adopted. At the next municipal election after the adoption of such proposition there shall be elected a mayor and councilmen. In the event, however, that the next municipal election does not occur within six months after such election, the mayor shall, within ten days after such election, by proclamation, call a special election for the election of a mayor and councilmen, sixty days' notice thereof being given in such call.

**78.080. Election of mayor and councilmen.**—In every such city there shall be elected at the first municipal election held after the taking effect of this section, and every four years thereafter, a mayor and two councilmen in cities having a population of three thousand and less than twelve thousand, and a mayor and three councilmen in cities having a population of twelve thousand and less than twenty thousand, and a mayor and four councilmen in cities having a population of twenty thousand and less than thirty thousand. If any vacancy occurs in such office, the remaining members of said council shall appoint a person to fill such vacancy during the balance of the unexpired term. Said officers shall be nominated and elected at large. Said officers shall qualify and their terms of office shall begin on the first Monday after their election. The terms of office of the mayor and councilmen or aldermen in such city in office at the beginning of the terms of office of the mayor and councilmen first elected under the provisions of this section shall then cease and determine and the terms of office of all other city officers, whether elective or appointive, in force in such city, except as herein provided, shall cease and determine as soon as the council shall by resolution declare.

**78.090. Election, primary—held when.**—Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to 78.420 shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

**78.100. Candidate to file statement and petition.**—Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a statement of such candidacy in substantially the following form:

State of Missouri,

County of.....ss.

I, .....herewith state and declare that I reside at number.....street, city of....., county of....., state of Missouri; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the.....Tuesday of....., 19....and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

And in all cities having a population of seven thousand and over, said candidate at the same time shall file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number

of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

#### PETITION ACCOMPANYING NOMINATING STATEMENT

The undersigned duly qualified electors of the city of.....and residing at the places set opposite our respective names hereto do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the.....Tuesday of....., 19..... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of qualified electors.

Number.

Street.

78.120. Form of ballot.—Upon the said ballot the names of the candidates for mayor, arranged in the order of filing shall first be placed, with a square at the left of each name, and immediately below, the words, "vote for one". Following these names, likewise arranged in the order of filing shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "vote for four", or "vote for three", or "vote for two", as the case may be. The ballot shall be in substantially the filing form:

#### CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF..... CITY AT THE PRIMARY ELECTION, .....

##### FOR MAYOR.

(Names of candidates.)

(Vote for one)

##### FOR COUNCILMEN.

(Names of candidates.)

(Vote for four)

or

(Vote for three)

or

(Vote for two)

As the case may be.

Official ballot, attest:

78.140. Who shall be candidates.—The two candidates receiving the highest number of votes for mayor shall be the candidates, and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and in cities having a population of twenty thousand and less than thirty thousand the eight candidates having the highest number of votes for councilmen, or all such candidates if less than eight, and in cities having a population of twelve thousand and less than twenty thousand the six candidates receiving the highest number of votes for councilmen or all such candidates if less than six, and in cities having a population of three thousand and less than twelve thousand the four candidates receiving the highest number of votes for councilmen or all such candidates if less than four shall be the candidates and the only candidates whose names shall be placed upon the ballot for councilman at such municipal election.

**78.190. Ordinances to be on file with city clerk for inspection—franchises to be voted on.**—Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed and shall remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges, or public places in any city shall be granted, renewed or extended except by ordinances, and every franchise or grant for interurban or street railways, gas, or waterworks, electric light or power plants, telegraph or telephone systems or other public service utilities within said city, must be authorized or approved by a majority of the voters voting thereon.

**78.200. Ordinance by initiative—procedure.**—Any proposed ordinance may be submitted to the council by petition signed by voters of the city equal in number to the percentage hereafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under sections 78.260 to 78.290. If the petition accompanying the proposed ordinance be signed by voters equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either:

(1) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or

(2) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall submit the question without alteration to the vote of the voters. But if the petition is signed by not less than ten and less than twenty-five percent of the voters, as above defined, then the council shall within twenty days pass said ordinance without change, or submit the same at the next municipal election.

**78.210. Ballots—such ordinance may be repealed, how.**—The question shall be submitted in substantially the following form:

Shall the following ordinance be (adopted) (repealed)? (Set out ordinance)

If a majority of the voters voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section. The council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any municipal election; and should such proposition so submitted receive a majority of the votes cast thereon, such ordinance shall thereby be repealed or amended accordingly.

**78.220. Proposed ordinance—effective, when—referendum.**—No ordinance passed by the council, except when otherwise required by the general laws of the state, or by the provisions of sections 78.010 to 78.420, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the council shall go into effect before ten days from the time of its final passage; and if



during said ten days a petition signed by the voters of the city equal in number to at least twenty-five percent of the entire vote cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected, protesting against the passage of such ordinance be presented to the council, the same shall thereupon be suspended from going into operation; and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided by subdivision (2) of section 78.200, to the vote of the voters. Such ordinance shall not go into effect or become operative unless a majority of the voters voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said sections 78.260 to 78.290 except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided.

**78.230. Organization may be abandoned—charter may be resumed—procedure.**—Any city which shall have operated for more than six years under the provisions of sections 78.010 to 78.420 may abandon such organization hereunder, and accept the provisions of the general law of the state then applicable to the cities of its population, or if now organized under special charter, may resume said special charter by proceeding as follows: Upon the petition of not less than twenty-five percent of the voters of such city the following question shall be submitted: "Shall the city of (name of city) abandon its organization under sections 78.010 to 78.420, and become a city under the general law governing cities of like population, or if now organized under special charter shall resume said special charter?" If a majority of votes cast on the question be in favor of such question, the officers elected at the next election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the state; but such change shall not in any manner or degree affect the property, right or liabilities of any nature of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by sections 78.260 to 78.290, insofar as the provisions thereof are applicable.

**78.240. Contents of petition.**—Petitions provided for in sections 78.010 to 78.420 shall be signed by none but voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall be accompanied by an affidavit of one or more voters of the city stating that the signers thereof were at the time of signing voters of said city and the number of signers at the time the affidavit was made.

**78.260. Officer may be removed—procedure.**—The holder of any elective office may be removed at any time by the voters qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent of the entire vote for all candidates for the office of mayor at the last preceding election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended

to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

**78.270. Clerk to ascertain sufficiency of petition—council to order election.**—Within ten days from the date of filing such petition the city clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of voters, and if necessary, the council shall allow him extra help for the purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order the question to be submitted to the voters of the city.

**78.280. Election—form of ballot.**—Nominations hereunder shall be made without the intervention of a primary election by filing with the clerk a statement of candidacy accompanied by a petition signed by voters of the city, equal in number to at least ten percent of the entire vote for all candidates for the office of mayor at the last preceding municipal election. The question shall be submitted in substantially the following form:

Election for the balance or the unexpired term of.....  
as.....for.....

Vote for one only.

Names of candidates.

**78.430. City of third class may adopt city manager form of government—procedure.**—1. Any city of the third class, or any city with a population entitling it to become a city of the third class, may become organized under the provisions of sections 78.430 to 78.640, by proceeding in the following manner: Upon petition of voters residing in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor in the last preceding election, the mayor shall by proclamation submit the question of organizing under sections 78.430 to 78.640. The question shall be submitted in substantially the following form:

Shall the city of.....organize under sections 78.430 to 78.640 RSMo, providing for the city manager form of government?

2. The election thereon shall be conducted, votes canvassed, and results declared in the same manner as provided for by law in respect to other city elections of cities of the third class. If a majority of votes cast on the question is in favor of adopting the optional form of government provided for herein, the city clerk shall transmit to the secretary of state and to the county clerk of the county in which the city is located, duplicate copies of a certificate stating that the question was adopted. The city shall then proceed to organize under sections 78.430 to 78.640, by nomination of candidates and election of councilmen as herein provided. The elections shall be held at the next municipal election

following the date of adoption of sections 78.430 to 78.640. If the plan is not adopted, the question of adopting the plan shall not be resubmitted to the voters of the city for adoption for at least one year thereafter, and then the question of adoption may be resubmitted upon a like petition, proclamation and notice as provided above.

**78.450. City may abandon plan—procedure—election—form of ballot.**—Any city which has operated under the provisions of sections 78.430 to 78.640 not less than six years may abandon the form of organization provided for herein, by proceeding as follows: Upon the petition of not less than twenty-five percent of the voters of such city, as shown by the total vote cast at the last preceding municipal election of the city, the question shall be submitted whether the city shall continue operating under sections 78.430 to 78.640, in the manner herein provided for the adoption of said sections 78.430 to 78.640. The question shall be submitted in substantially the following form:

Shall the city manager form of government for the city of .....  
be continued?

If a majority of the votes cast are against the continuation of the city manager form of government, then the provisions of sections 78.430 to 78.640 and all amendments thereto cease to be effective in the city and city shall resume the form of government it abandoned when it adopted the plan herein provided for, and shall organize thereunder; except that any third class city, desiring to vote on the question to determine whether or not to remain organized under the provisions of sections 78.430 to 78.640, may at the same time submit the question as to what form of government it shall adopt, if there is more than one other form provided for third class cities; but the change of form or organization does not become effective until the next municipal election thereafter.

**78.460. Council to consist of five members—term—vacancies, how filled.**—The council shall consist of five members and all persons now eligible for the position of councilman under the laws governing cities of the third class shall be eligible to serve as councilmen under sections 78.430 to 78.640. The term of councilmen shall be three years; provided, that of the first council elected after the adoption of sections 78.430 to 78.640, one member shall serve for one year, two for two years, and two for three years. Those councilmen receiving the highest number of votes at the first municipal election shall serve for the three-year term, those receiving the next highest shall serve for the two-year term, and the other for the one-year term. Should a vacancy occur in the office of councilman by death, resignation or otherwise, a special election may be called by the council for the purpose of filling the vacancy, and the person elected at such special election shall serve only for the unexpired term or until his successor is elected and qualified. All councilmen shall be elected at large. They shall qualify and their terms of office shall begin on the first Monday after their election. The terms of office of the mayor and councilmen or aldermen in such city, in office at the beginning of the terms of office of the council first elected under the provisions of sections 78.430 to 78.640, including all boards and commissions, shall cease and determine and the terms of office all other city officers, whether elective or appointive, in force in such city except as herein provided shall cease and determine as soon as the council shall by resolution declare; provided, however, the council may continue the board of public works, and the library, hospital and park boards for such time or times after organizing under sections 78.430 to 78.640 as the interests of the city in its judgment may require.

**78.470. Candidates to be nominated by primary election.**—Candidates to be voted for at all general and special municipal elections at which the officers are to be elected under the provisions of sections 78.430 to 78.640 shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated as herein prescribed. The primary for such nominations shall be held on the first Tuesday after the first Monday in February preceding the election and the judges of the election appointed for general or special election shall be the judges of the primary election, so far as possible.

**78.480. Statement of candidacy.**—Any person desiring to become a candidate for councilman shall file with the city clerk a statement of such candidacy in substantially the following form:

State of Missouri,

ss.

County of.....,

I, ....., being first duly sworn, say that I reside at.....street, city of....., county of....., state of Missouri; that I am a qualified voter therein; that I am a candidate for nomination to the office of councilman to be voted upon at the primary election to be held on .....Tuesday of....., 19....., and am eligible therefor and I hereby request that my name be printed upon the official primary ballot for nomination by primary election for such office, and that I will serve as such officer, if elected.

(Signed) .....

Subscribed and sworn to (or affirmed) before me .....on this.....day of ....., 19.....

(Signed) .....

The ballots shall be in substantially the following form:

Warning: Voting for more than the total number of candidates to be chosen for any one office will invalidate this ballot.

#### OFFICIAL PRIMARY BALLOT

Candidates for nomination for councilmen of.....at the primary election.

#### FOR COUNCILMEN

Vote for (number to be elected)

☐ .....(Name of candidate).....

☐ .....(Name of candidate).....

☐ .....(Name of candidate).....

The names of candidates receiving the highest number of votes for councilmen, equal to twice the number to be elected, if there be so many running, shall be placed upon the official ballot for councilmen at the municipal election.

**78.510. Primary shall not be required, when.**—The primary election as provided for by sections 78.470 to 78.500 shall not be required if upon the expiration of the time for filing of statements with the city clerk of persons desiring to become a candidate for councilman, as provided for by sections 78.470 to 78.500, the number of such persons shall not exceed a number equal to twice the number to be elected at the general or special election. Within forty-eight hours after the expiration of the time for filing of such statements with the city clerk the council shall canvass the statements filed to determine from the number of statements filed whether this section shall be applicable. In the event that it is determined that the provisions shall be applicable the council shall, by ordinance,

provide that a primary election under the provisions of sections 78.470 to 78.500 shall not be held and that the names of the persons filing statements shall be printed on the municipal election ballots as the nominees for councilman as provided for by sections 78.520 to 78.540; provided, however, that the names of such persons appearing on such ballot shall appear thereon in the order that they were filed with the city clerk.

**78.520. General election—official ballot.—1.** The city clerk shall thereupon cause the official ballots to be printed, and upon the ballots the names of the candidates shall be arranged in the order of their vote received at the primary election, and above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballots shall be in substantially the following form:

Warning: Voting for more than the total number of candidates to be elected to any office will invalidate this ballot.

#### OFFICIAL BALLOT

Candidates for councilmen of .....at  
general election.

#### FOR COUNCILMEN

Vote for (number to be elected)

- ☐ .....(Name of candidate).....  
☐ .....(Name of candidate).....  
☐ .....(Name of candidate).....

**78.540. Conduct of election—council to establish voting precincts.—1.** If a person elected fails to qualify, within thirty days after his election, the office shall be filled as if there were a vacancy in such office, as herein provided.

2. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of these sections.

3. The council shall by ordinance, resolution or otherwise, divide the city into as many voting precincts as it may deem necessary to afford all the voters a convenient opportunity of exercising the right of franchise in all municipal elections to be held in the city and each of said precincts shall be deemed a ward within the purview of the general and primary election laws of the state.

**78.630. Franchise, lease, right or privilege—how granted—publication.—1.** Except as hereinafter provided, no ordinance or amendment or modification thereof granting any franchise, lease, right or privilege in or under the streets, public thoroughfares or public places of a city operating under sections 78.430 to 78.640 shall go into effect or become operative or vest any right in the grantee or grantees, unless such grants shall first be approved by a majority of the voters voting at a municipal election at which the proposed grant is properly submitted. And no such proposed grant shall be voted on unless the full text thereof.

2. No ordinance or amendment or modification thereof granting any non-exclusive franchise, lease, right or privilege for not to exceed twenty years in or under the streets, public thoroughfares or public places of a city operating under sections 78.430 to 78.640 shall go into effect or become operative or vest any right in the grantee or grantees, except upon prior compliance with the following conditions:

(1) Before final passage of the ordinance, or amendment or modification of ordinance, by the council, the city clerk shall prepare a notice of a public

hearing thereupon and cause it, along with a true copy of the ordinance, including the full text of the franchise under consideration, to be published once a week for four consecutive weeks in a daily newspaper or for four consecutive weeks in a weekly newspaper if no daily newspaper is published in the city, the first publication to be at least thirty days before, and the last publication within ten days of the date fixed by the city council for the public hearing.

(2) The notice shall give the date, time and place of the public hearing, and shall contain a statement of the substance and effect of the proposed ordinance, and a further statement that the ordinance, or amendment or modification of ordinance, as introduced, or a true copy thereof, may be inspected and copied at the office of the city clerk during regular business hours.

(3) The public hearing shall be at a regular, adjourned or called meeting of the city council at which all interested persons will be heard in person or by attorney.

(4) The city council may at any time, before or after the public hearing, submit the proposed franchise, lease, right or privilege to an election by the voters for their approval.

(5) The provisions of this subsection shall not apply in the granting of any franchise, lease, right or privilege to any utility regulated by the public service commission of the state of Missouri.

3. Any ordinance, however, may be amended or modified by the council of any city as to streets, alleys, or public places already occupied and used by any person, persons or corporation by and under a franchise then in existence and only as to such streets, alleys or public places used and occupied by such person, persons or corporation under a franchise then in existence, when such modifications or amendment is necessary to enable such person or corporation to enlarge, better or improve its facilities, equipment, material or structure above, upon or beneath said streets, alleys, public thoroughfares or public places then used and occupied by such person or corporation by and under a franchise then in existence, for the purpose of removing or overcoming hindrances to public service. The city council shall have the right to grant to any railroad company the right to construct switches or spur tracks to industrial plants or warehouses.

**79.020. City limits may be altered, how.**—The mayor and board of aldermen of such city, whether the same shall have been incorporated before becoming a city of the fourth class or not, with the consent of a majority of the voters of such city voting on the question, shall have power to extend the limits of the city over territory adjacent thereto, and to diminish the limits of the city by excluding territory therefrom, and shall, in every case, have power, with the consent of the voters as aforesaid, to extend or diminish the city limits in such manner as in their judgment and discretion may redound to the benefit of the city.

**79.030. Election of officers.**—An election for the elective officers of each city of the fourth class shall be held after the organization of such city under the provisions of this chapter, and on municipal election days every two years thereafter.

**79.040. Election may be ordered, when.**—If, at any time, by reason of non-acceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order an election, any judge of the county court, or magistrate of the county, is empowered to order an election for city officers.

**79.250. Officers to be voters and residents—exceptions.**—All officers elected

or appointed to offices under the city government shall be voters under the laws and constitution of this state and the ordinances of the city except that appointed police officers, the city attorney, and other employees having only ministerial duties need not be voters of the city. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes, or forfeiture or defalcation in office. All officers, except appointed police officers, the city attorney, and other employees having only ministerial duties, shall be residents of the city.

**79.280. Special elections to fill vacancies—exceptions.**—If a vacancy occur in any elective office, the mayor or the person exercising the duties of the mayor shall cause a special election to be held to fill such vacancy; provided, that when any such vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the mayor or the person exercising the duties of the mayor by appointment; provided further, that any vacancy in the office of alderman which may occur within said six months preceding a municipal election shall be filled in such manner as may be prescribed by ordinance. If a vacancy occur in any office not elective, the mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the board of aldermen thereafter, at which time such vacancy shall be permanently filled.

**79.490. City of fourth class disincorporated, how.**—The county court of any county in which a city of the fourth class is located shall have the power to disincorporate such city upon petition of two-thirds of the voters of such city. No city of the fourth class shall be disincorporated by virtue of this section, unless notice has been given of the intended application for such disincorporation, by advertisement published in some newspaper published in the city prayed to be disincorporated, for four weeks successively prior to such application, and if no newspaper is published in said city, then by advertising in the newspaper in such county nearest to such city; and such advertisement and notice shall contain a copy of such petition and the names of the petitioners.

**80.040. Board of trustees—corporate powers vested in—terms of office.**—The corporate powers and duties of every village so incorporated shall be vested in a board of trustees, to consist of five members, unless such town shall contain more than twenty-five hundred inhabitants, in which case such board may consist of nine members, the number to be determined by a vote of the voters of such village. The first board of trustees shall be appointed by the county court at the time of declaring such town incorporated. If the board consists of five members the county court shall designate two members who shall serve for terms of two years and three members who shall serve for terms of one year. If the board consists of nine members the county court shall designate four members who shall serve for terms of two years and five members who shall serve for terms of one year. Thereafter all members shall serve for terms of two years and until their successors are elected and qualified.

**80.050. Trustees—qualifications.**—No person shall be a trustee who has not attained the age of twenty-one years; who is not a citizen of the United States; who is not an inhabitant of the town at the time of his election, and has not resided therein for one whole year next preceding the time of his election.

**80.460. County clerk to furnish abstract from assessment books—tax levy not to exceed maximum rate except by special vote.**—1. The chairman of the board

of trustees of all towns and villages in this state shall procure from the clerk of the county court in which such town is located, and it shall be the duty of said clerk to deliver to the chairman of the board of trustees within twenty days after the date of the final adjournment of the board of equalization a certified abstract from his assessment books, as corrected by the board of equalization, on all property within such town subject to its taxing power and the assessed value thereof as corrected by the board of equalization, which abstract shall be immediately transmitted to the board of trustees, and it shall be the duty of such board of trustees to establish by ordinance the annual rates of tax levy for the year for municipal purposes upon all subjects and objects of taxation within such town, which tax shall not exceed the maximum rate for general municipal purposes of fifty cents on the one hundred dollars assessed valuation; provided, however, that the rate of taxation for general municipal purposes herein limited may be increased for such purposes for a period not to exceed four years at any one time when such rate and purpose of increase are submitted to a vote of the voters within such towns and two-thirds of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation. The board of trustees of any such towns may submit a question for increase of levy when in the opinion of such board of trustees the necessity therefor arises, and such question shall be submitted by such board of trustees when petitioned therefor by voters equaling in number five percent or more of the voters of such towns or villages voting for mayor or member of board of trustees at the last election at which a mayor or member of board of trustees was elected.

The question shall be submitted in substantially the following form:

Shall there be a .... cent increase in levy on one hundred dollars assessed valuation for general municipal purposes for .... years?

2. If such increase in levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but such towns through their boards of trustees may submit any such proposal for continuing such increase of levy at any time for like periods not to exceed four years each.

**80.490. Trustees—taxing powers.**—The board of trustees shall also, from time to time, provide, by ordinance, for the levy and collection of all other taxes and licenses, including wharfage and other dues, and to fix the penalties for neglect or refusal to pay same, which now or hereafter may be authorized by law or ordinance.

**80.560. Failure to elect officers—procedure.**—If the trustees fail to call the municipal election, a majority of the trustees then in office, or any magistrate of the county in which said town or village is situated, may call the election.

**80.570. Disincorporation, procedure.**—The county court of each county shall have power to disincorporate any town which they may have incorporated, upon petition of three-fourths of the voters of such town, and any such county court shall have the power, in its discretion, on the application of any person or persons owning a tract of land containing five acres or more in such town or village, used only for agricultural purposes, to diminish the limits of such town or village by excluding any such tract of land from said corporate limits; provided, that such application shall be accompanied by a petition asking such change and signed by a majority of the voters in such town or village. And



thereafter such tract of land so excluded shall not be deemed or held to be any part of such town or village.

**80.580. Disincorporation through failure of trustees to qualify.**—If the trustees appointed by the county court under section 80.040 shall fail to qualify and assume the duties of such trustees, within one year after their appointment, or if the voters of such village shall fail for one year to elect such trustees, then such village shall be disincorporated by the county court of the county where the village is located, upon the petition of any citizen residing in such village, after the publication of notice of the presentation of such petition published for two weeks successively prior to such application in some newspaper in this state nearest the village.

**81.050. Election and terms of officers (cities of 1,000 and less than 3,000).**—At the next municipal election in all cities and towns under special charters having one thousand inhabitants and less than three thousand inhabitants, and every two years thereafter, there shall be elected the officers as specified in said charters to be elected, each of whom shall hold his office until his successor is elected and qualified; except that any such city may provide by ordinance that two councilmen shall be elected each year for a term of two years. At the first election held after the passage of any such ordinance the two councilmen receiving the highest number of votes shall hold office for two years each and the two receiving the next highest number of votes shall hold office for one year each; and thereafter two councilmen shall be elected each year for terms of two years each.

**81.070. Election of certain officers (cities of 3,000 to 10,000).**—At the next municipal election in all cities and towns under special charters and having three thousand inhabitants and not more than ten thousand inhabitants, and at each municipal election thereafter, there shall be elected a mayor, a councilman at large, one councilman from each ward, a constable, an attorney, a treasurer, who shall be, by virtue of his office, collector of the revenue of such city, an auditor, and a clerk, each of which shall hold their respective offices for two years, and until their successors are elected and qualified. And the city council shall provide by ordinance for the election or appointment of the following officer, to wit: An assessor; except that the governing bodies of cities in counties of the first class under a charter form of government which have attained a population of more than three thousand and less than ten thousand inhabitants subsequent to the granting of its special charter, may by ordinance provide that the terms of its original special charter relating to municipal officers, their election and terms shall continue in force notwithstanding the provisions of this section.

**81.075. Officers—elections (cities attaining 3,000 to 10,000 after grant of charter in certain counties).**—At the next municipal election in all cities and towns under special charter, located in counties of the first class under a charter form of government, which have attained a population of three thousand inhabitants and not more than ten thousand inhabitants subsequent to the granting of their special charter, and at each municipal election thereafter, there shall be elected a mayor, a police judge and two councilmen from each ward, each of whom shall hold his respective for four years and until his successor is elected and qualified; provided that at the next municipal election there shall be elected one councilman from each ward, who shall serve for a term of four years and the year next following such an election, at the time of holding

the general election for municipal officers, there shall be elected one councilman from each ward, who shall serve for a term of one year, after which election there shall be elected, at each succeeding municipal election one councilman from each ward, who shall serve for a period of four years.

**81.080. Extension of limits, how—inclusion of another city, procedure (cities of 20,000 or less).—**1. Any city or town of less than twenty thousand inhabitants and having a special charter, after the taking effect of such charter, may at any time extend its limits by ordinance, specifying with accuracy the new line to which it is proposed to extend such limits. All courts of this state shall take judicial notice of the limits of such city when thus extended.

2. Provided, that should such city by such extension of its territorial limits include any portion of any incorporated city, town or village, such extension shall be made to include the whole territory of such incorporated city, town or village, and upon such extension being made, the corporate existence of such incorporated city, town or village so included in such extension shall, ipso facto, cease, and all property and rights of every kind and nature belonging to and vested in such incorporated city, town or village shall, by operation of law, at once pass to and vest in the city making such extension of its limits, and it shall be the duty of all officers and employees of such incorporated city, town or village having custody or control thereof to surrender and deliver the same to such city so extending its limits; and such city shall also, by operation of law, become liable to pay all debts and liabilities of such incorporated city, town or village; provided further, that before such city shall extend its limits so as to include an incorporated city, town or village, four-sevenths of qualified voters of the incorporated city, town or village, voting at such election so desired to be included within the limits of such city shall vote in favor of such proposition at an election, to be determined in the following manner, to wit:

Whenever such city shall desire to include within its limits any incorporated city, town or village, the mayor of such city shall inform the mayor of other chief officer of the incorporated city, town or village proposed to be so taken in of its intention to include said city, town or village within the limits; the mayor thereof shall order the question to be submitted to determine the wish of said city, town or village. If four-sevenths of the voters voting on the question shall vote in favor of the proposed extension, the mayor shall certify the result to the mayor of such city, and such city may proceed to extend its limits as provided in this section.

**81.130. Farming lands, exclusion—procedure (cities of 20,000 or less).—**In all cases where farming lands, or lands not laid out in town or city lots, or used for town or city purposes, are included within the corporate limits of any town, city or municipality of this state now containing, or which may hereafter contain, twenty thousand inhabitants or less, existing or operating under a special charter, and where ten of the taxable inhabitants of said town, city or municipality shall petition the council of said town, city or municipality to become disincorporated or detached from the said municipal corporation, it shall be the duty of said council, by ordinance, to submit the question to the voters of the city, town or municipality; and if at said election a majority of the voters voting at said election, vote in favor of disincorporating or detaching said lands, then the council of said town, city or municipality shall declare the said land disincorporated or detached from the said municipality, and the same shall not thereafter be included in or be a part thereof; provided, however, that in all cases where the said town, city or municipality has any outstanding

debts, liabilities or obligations, said lands shall not be disincorporated or detached till the owner or owners thereof shall have paid into the town, city or municipal treasury their just and proper proportion of such debts, liabilities or obligations.

**81.140. Election and appointment of certain officers—tenure (cities of 10,000 to 30,000).—**At municipal elections in all cities and towns under special charters which have not less than ten thousand inhabitants nor more than thirty thousand inhabitants there shall be elected a mayor, a police judge or recorder, an attorney, a marshal or chief of police, and such other officers as the charter and ordinances of such city or town may provide, each of whom shall hold their respective offices for a term of two years, provided, however, any such city may provide by ordinance that marshal, chief of police and attorney may be appointed by the mayor, subject to the approval of the city council, and such ordinance may further provide that all or any of such officers when so appointed and any of the other appointive officers of any such city, except the members of the board of public works, shall hold office for an indefinite term and during the pleasure of the mayor and city council of such cities.

**81.195. Officers, terms (cities of 30,000 to 250,000 in certain counties).—1.** In all cities and towns under special charter, located in counties of the first class under a charter form of government, which have attained a population of more than thirty thousand inhabitants but less than two hundred fifty thousand inhabitants subsequent to the granting of their special charter, and every four years thereafter, there shall be elected a mayor, police judge and two councilmen from each ward, each of whom shall hold their respective offices for a term of four years and until their successors are elected and qualified.

**81.230. Disposition of acquired territory—qualified voters (cities 20,000 and less than 250,000).—**When territory is annexed to any city pursuant to section 81.200, the common council shall, by ordinance, organize the same into a new ward or wards, or attach the same to some existing ward or wards long enough before the next ensuing municipal election to enable voters in such annexed territory to register, and all other proper steps to be taken according to law, so that the voters of such annexed territory may have full opportunity to register and vote at such election. Actual residents of any territory at the time of annexation thereof to any city as provided in section 81.200 shall, if otherwise qualified, be voters of the city, and be eligible to any office therein at the next municipal election following such annexation. In case of redistricting or division of the city into wards, creation of any new ward or wards, or change of boundary in any ward or wards, every voter residing in any ward at any municipal election next thereafter, duly registered, shall be a voter of such ward, and nothing in this chapter contained shall be so construed as to prevent any voter from voting or being eligible to any office by reason merely of such redistricting or division or creation of any new ward or wards, or change in the boundary of any ward or wards.

**81.240. Change not to be made, when (cities of 20,000 and less than 250,000).—**Territory shall not be annexed to any such city within four months next preceding any municipal election, nor shall there be a redistricting or division of the city into wards, or change of boundaries of any ward or wards, or creation of any new ward or wards, within two months next preceding any municipal election.

**81.280. Elective officers—terms—appointment—offices combined—section to be effective after vote (cities of 7,500 to 100,000 in certain counties).—1.** At municipal elections in all cities and towns under special legislative charters, located in a county containing a city, or a part of a city, of over four hundred thousand population, which have attained a population of seven thousand five hundred inhabitants, and not more than one hundred thousand there shall be elected one alderman from each ward for a four-year term; at municipal elections there shall be elected a mayor for a four-year term; and there shall be elected an attorney, a treasurer, who shall be, by virtue of his office, collector of revenue of the city, an auditor, a municipal judge, and a clerk, each of whom shall hold his respective office for a term of two years, and their successors shall be elected accordingly, except that any such city may provide by ordinance that the attorney, treasurer, municipal judge, and clerk be appointed by the mayor, subject to the approval of the city council, and the ordinance may further provide that all or any of such officers when so appointed and any of the appointive officers of any such city, except the members of any board created by statute, shall hold office for an indefinite term and at the pleasure of the mayor and city council. In addition to the above officers the city council shall provide by ordinance for the appointment of an assessor and a chief of police, whose duties shall be prescribed by ordinance.

2. The city council may by ordinance combine the offices of clerk and treasurer. When so combined, this office may be filled by election at municipal elections or may be made appointive by ordinance under the same provisions applying to the offices separately.

3. The provisions of this section shall apply only after a majority of the voters voting thereon at a municipal election approve the effectiveness of this section for such city or town. The question shall be placed upon the ballot by a petition signed by a number of voters of the city or town equal to five percent of the total number of votes cast for mayor at the last election, or by a resolution of the board of alderman of the city or town.

**82.090. Extension of limits.—**Any constitutional charter city may, at any time extend its limits by ordinance, specifying with accuracy the new lines to which it is proposed to extend its limits. All courts of this state shall take judicial notice of the limits of the city when thus extended, and of all the steps in the proceeding leading thereto. Should the city by extension of its territorial limits include any portion of any incorporated city, town or village, the extension shall be made to include the whole territory of such incorporated city, town or village, and upon the extension being made, the corporate existence of the incorporated city, town or village included in the extension ipso facto ceases and all property and rights of every kind and nature belonging to and vested in such incorporated city, town or village shall, by operation of law, at once pass to and vest in the city making the extension of its limits. All officers and employees of such incorporated city, town or village having custody or control thereof shall surrender and deliver the same to the city so extending its limits; and the city shall also, by operation of law, become liable to pay all debts and liabilities of the incorporated city, town or village. Before the city extends its limits to include an incorporated city, town or village, four-sevenths of the voters of the incorporated city, town or village voting at such election desired to be included within the limits of the city shall vote in favor of the question in the following manner: Whenever the city desires to include within its limits any incorporated city, town or village, the mayor of the city shall inform the mayor or other chief officer of the in-

corporated city, town or village proposed to be taken in of its intention to include the city, town or village within its limits; the mayor thereof shall order the question to be submitted to determine the wish of the city, town or village; and if four-sevenths of the voters voting on the question vote in favor of the proposed extension, the mayor shall certify the result to the mayor of the city seeking to extend its limits and the city may proceed to extend its limits as provided in this section. In all cases where the corporate limits are defined in the charter of the city, the ordinance extending the limits shall be in the form of a proposed amendment to the charter of the city, and before the amendment shall be of any force or effect, it shall be submitted to and accepted by a majority of the voters of the city voting on the question, in all respects and in compliance with all the requirements provided for amendments to the charter of the city.

**82.140. When territory is not to be added.**—Territory shall not be annexed to any such city within four months next preceding any municipal election, nor shall there be a redistricting or division of the city into wards, or change of boundary of any ward or wards, or creation of any new ward or wards, within two months next preceding any municipal election.

**86.583. Municipalities in first class counties and certain cities may provide pensions—approval by voters.**—Any municipality in any county of the first class, and any other municipality in this state which now contains or may hereafter contain not more than one hundred thousand inhabitants nor less than three thousand inhabitants as determined by the last preceding federal census is hereby authorized to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of deceased members; provided, however, that nothing in this section shall be construed to affect any pension or retirement system for members of an organized police force or fire department, and their widows or minor children, which has been established previously under authority of an act of the general assembly and which is in operation at the time of the passage of this section, and the provisions of law applicable to any such pension or retirement system shall not be deemed to be repealed or superseded by the provision of this section. This section shall not take effect in any such city until approved by the voters thereof as herein provided. On order of the city council, or on petition of five percent of the voters of said city, the question shall be submitted to the voters. The question shall be submitted in substantially the following form:

Shall the (police or firemen's insert one) pension plan be approved?

If a majority of the voters casting votes thereon is in favor of the question, this section shall take effect in said city thirty days after the submission of the question.

**87.010. Fund for pensioning firemen—treasurer of corporation ex officio treasurer of fund—cities other than first class to ratify.**—The municipal authorities by act or ordinance, in all cities, villages or incorporated towns in this state having an organized fire department, may set apart not exceeding fifty percent of all revenue received by such cities, villages or incorporated towns for municipal purposes from licenses issued by them for carrying on the business of a fire insurance company, agent or agency, and not exceeding three percent of all other revenue received by such cities, villages or incorporated towns for municipal purposes from licenses issued by such cities, villages or incorporated towns, as a fund for the pensioning of crippled and disabled mem-

bers of the fire department, and of the widows and orphans of deceased members of the fire department of such cities, villages or incorporated towns, and the treasurer of such cities, villages or incorporated towns shall be ex officio treasurer of such fund; provided, that in any city other than a city of the first class the provisions of sections 87.010 to 87.105 shall not be in effect until it shall be ratified by a majority of the voters of such city, who vote on the question which shall be submitted at the request of one hundred voters.

**87.015. How certain cities may be included in these provisions.**—Sections 87.010 to 87.105 shall not apply to any city, village or incorporated town having less than twenty thousand inhabitants, until the provisions of said sections shall be adopted by two-thirds of the voters of such city, town or village, voting in favor of the question submitted at an election.

**87.410. Authorizing a tax for firemen's pensions in certain cities.**—When one hundred voters of any city in this state which now has or may hereafter have one hundred thousand inhabitants or more shall petition the proper authorities asking that an annual tax of one-fifth of a mill on the dollar annually on all taxable property in such city shall be levied for the benefit of the fund for the pensioning of crippled and disabled firemen, and for the relief of the widows and minor children of deceased firemen of the fire department of such city, and shall ask that the question of whether such a tax shall be levied be submitted to the voters of the city, provided no special tax for such fund shall then be subject to be levied, the proper authorities shall submit the question to the voters of the city. The question shall be submitted in substantially the following form:

Shall there be a one-fifth mill tax on the firemen's pension fund?

If the majority of all the votes cast in such city upon such proposition for or against a one-fifth mill tax for the firemen's pension fund shall be for the tax, the tax specified in such notice shall be levied and collected in like manner with the other general taxes of said city, and the proceeds of said tax shall be known as "the firemen's pension fund"; provided, that such tax shall cease in case the voters of such city shall so determine by a majority vote at any election held therein; provided further, however, that when a majority of the voters of such city shall have voted for a one-fifth mill tax for the firemen's pension fund, the authorities, officials or representatives of the city whose duty it shall be to fix the tax rate for such city shall have the tax for the firemen's pension fund at the rate specified in consideration in fixing the tax rate, and shall so fix said rate that with and including such tax for the firemen's pension fund the constitutional limitation upon the taxing power of such city shall not be exceeded.

**88.613. Lighting of streets (third class cities).**—1. The council may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and shall have power to make contracts with any person, association or corporation for the lighting of the streets and other public places of the city with gas, electricity or otherwise; provided, that no such contract shall have any legal force until the same shall have been ratified by a two-thirds majority of the voters of the city.

2. The council shall have the right, also, to erect, maintain and operate gas works, electric light works or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and

to regulate the same, and to prescribe and regulate the rates to be paid by the consumers thereof, and to acquire, by purchase, donation or condemnation, suitable ground within or without the city upon which to erect such works, and the right-of-way to and from said works, and also the right-of-way for laying gas pipes, electric wires under or above ground, and erecting posts and poles and such other apparatus and appliances as may be necessary for the efficient operation of such works; provided, that the council may in its discretion grant the right to any person or persons or corporation to erect such works and lay the pipe, wires and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance; provided further, that such right to any such person, persons or corporation shall not extend for a longer period than twenty years, and shall not be granted nor renewed unless by consent of a majority of the voters of the city.

**88.627. White way system—costs, how paid (third class cities).—**The city council may, at its discretion, elect to assess as special taxes, one-half of the cost of installation of a white way system unless by remonstrance estopped, and submit to the voters a proposal to issue bonds for the remaining one-half, the whole project being contingent upon the approval of the proposed issue of special tax bills and of bonds.

**88.633. Water supply (third class cities).—1.** The council shall have power to make contracts with any person, association or corporation for furnishing the city with water, and for supplying fire hydrants and public fountains; provided, that no such contract shall be made for a longer time than twenty years; and provided, that no such contracts shall have any legal force until the same shall have been ratified by the vote of two-thirds majority of the voters.

2. The council shall have the right also to erect, maintain and operate waterworks for the city, and to regulate the same, to prescribe and regulate the rates to charge to private consumers of water furnished from such waterworks, and to acquire by purchase, donation or condemnation, suitable grounds within or without the city upon which to erect said works, and the right-of-way to and from said works, and also the right-of-way for laying water pipes and posts and telephone, telegraph or electric wires and poles, under or above ground, as may be necessary for the efficient operation of said waterworks; all of which shall be done in such manner as shall be prescribed by ordinance; provided, that the council may in its discretion grant the right to any person, persons or corporation to erect, maintain and operate waterworks, and lay pipes, erect poles and telegraph, telephone and other electric wires, under or above ground, as may be necessary for the efficient operation of said works, upon such terms as the council may by ordinance prescribe; provided further, that in no case shall such right extend for a longer period than twenty years, and shall not be granted nor renewed unless by the consent of a majority of the voters of the city; provided, that nothing in this and section 88.630 shall be so construed as to prevent city councils from contracting with any persons, associations, or corporations for supplying fire hydrants and public fountains, and to furnish the city with gas or electric lights in cities where franchises have already been granted and where waterworks and electric plants already exist, without a vote of the people.

**88.770. Street lighting system—electric or gas works (fourth class cities).—**The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and shall have power to make contracts with any person, association or corporation, either private or

municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise; provided, that no such contract shall have any legal force until the same shall have been ratified by a two-thirds majority of the voters of the city. The board of aldermen shall have the right, also, to erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and to regulate the same, and to prescribe and regulate the rates to be paid by the consumers thereof, and to acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works, and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such other apparatus and appliances, as may be necessary for the efficient operation of such works; provided, that the board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance; provided further, that such rights to any such person, persons or corporation shall not extend for a longer time than twenty years, and shall not be granted nor renewed, unless by consent of a majority of the voters of the city; provided still further, that nothing herein contained shall be so construed as to prevent the board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people; provided further, the board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question. The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall .....  
 (Indicate the property by stating whether electric distribution system,  
 electric transmission lines or waterworks, etc.)  
 be .....  
 (Indicate whether sold, leased or encumbered.)

**88.773. Water supply—contracts (fourth class cities).—1.** The board of aldermen shall have power to make contracts with any person, association or corporation, either private or municipal, for furnishing the city with water, and for supplying fire hydrants and public fountains; provided, that no such contract shall be made for a longer time than twenty years; and provided, that no such contract shall have any legal force until the same shall have been ratified by a vote of two-thirds majority of the voters.

**2.** The board of aldermen shall have the right, also, to erect, maintain and operate waterworks for the city, and to regulate the same, to prescribe



and regulate the rates to charge to private consumers of water furnished from such waterworks, and to acquire by purchase, donation or condemnation, suitable grounds within or without the city, upon which to erect said works, and the right-of-way to and from said works, and also the right-of-way for laying water pipes and posts and telephone, telephone exchanges with other cities and towns, telegraph or electric wires and poles, under or above the ground, as may be necessary for the efficient operation of said waterworks; all of which shall be done in such manner as shall be prescribed by ordinance; provided, that the board of aldermen may, in its discretion, grant the right to any person, persons or corporation to erect, maintain and operate waterworks, and lay pipes, erect poles and telegraph, telephone exchanges with other cities and towns, and other electric wires, under or above ground, as may be necessary for the efficient operation of said works, upon such terms as the board of aldermen may prescribe by ordinance; provided further, that in no case shall such right extend for a longer period than twenty years, and shall not be granted nor renewed, unless by consent of a majority of the voters of the city; provided, that nothing in this section shall be so construed as to prevent the board of aldermen from contracting with any person, associations or corporations for supplying fire hydrants and public fountains, in cities where franchises have already been granted, and where waterworks already exist, without a vote of the people.

**90.500. Parks—petition—tax rate—election—form of ballot (certain cities).—**When one hundred voters of any incorporated city or town having less than thirty thousand inhabitants, or any city of the third class, shall petition the mayor and common council asking that an annual tax be levied for the establishment and maintenance of free public parks in the incorporated city or town, and providing for suitable entertainment therein, and shall specify in their petition a rate of taxation as provided in this section not to exceed forty cents per year on each one hundred dollars of assessed valuation, the mayor and common council shall submit the question to the voters.

The question shall be submitted in substantially the following form:

Shall a ..... cent tax per one hundred dollars assessed valuation be levied for public parks?

The tax specified in the notice shall be levied and collected in the same manner as other general taxes of the incorporated city or town and shall be deposited in the park fund. The rate of taxation authorized by this section shall be combined with any rate of tax imposed pursuant to the provisions of section 90.010 so that the total tax for park purposes shall not exceed forty cents per year on each one hundred dollars of assessed valuation, and any tax authorized pursuant to the provisions of this section shall cease in case the voters of such incorporated city or town shall so determine, by a majority vote after a petition for the submission is filed in accordance with the provisions of this section.

**91.120. May acquire water system—procedure.—**The city shall have the right to acquire by purchase any waterworks system in operation in such city at its fair and equitable value, to be agreed upon by the city and the person, firm or corporation owning the waterworks system, and whenever a proposition is made in writing to the city by the person, firm or corporation owning such plant to sell to the city under sections 91.090 to 91.300 its waterworks system at a price that the city council deems fair and equitable, the council or other proper authorities shall by ordinance, submit the question to the voters of the city. The question shall be submitted in substantially the following form:

Shall the city acquire the waterworks system and property and issue bonds therefor, which shall be a first lien on the waterworks system and property, but not a general or personal obligation of the city?

And if a majority of the voters of the city voting on the question shall vote "Yes", then such city shall acquire said property at the price and on the terms named in the question.

**91.550. Referendum on sale of municipal utility by third class city.**—Before any city of the third class shall sell or dispose of, in any way, or abandon or cease to operate any electric light plant, waterworks plant, gas plant, street railway or any other public utility which may be owned by it, it shall first submit the proposition for such sale or disposition or abandonment or ceasing to operate, by ordinance, to the voters of said city and it shall require a majority of the votes cast to be in favor of the proposition before any authority shall exist for such sale, disposition, abandonment or ceasing to operate.

**91.596. Revenue bonds—election—form of ballot.**—1. Whenever the board of public works of any such city shall desire to issue such revenue bonds for any or all of the purposes enumerated in section 91.595 it shall make written request, authorized by majority vote of its members, to the mayor and council of such city requesting the submission of the question of authorizing the issuance of said bonds which request shall set forth the amount of funds required and the purposes for which the same is to be expended.

2. The council may then by ordinance submit the proposition to the voters of the city.

The question shall be submitted in substantially the following form:

Shall the city of ..... issue revenue bonds, in the amount of ..... dollars to be payable solely from the revenues derived from the operation of .....(utility) by the city and not a general or personal obligation of the city, for the purpose of ..... (here state purpose)?

3. If a majority of the voters of such city voting on the question shall vote "Yes" then the board of public works of such city shall be authorized to issue waterworks revenue bonds not to exceed the amount approved by the voters.

**91.600. Waterworks property, how acquired—may issue bonds, make contracts (certain cities).**—Every city organized and existing under the provisions of section 16 of article IX of the Constitution of Missouri of 1875, or section 19 of article VI of the Constitution of Missouri of 1945, shall have the right and power to construct, maintain and operate waterworks to supply the city and all persons and parties therein with water and may for such purpose, take, hold, use and dispose of real estate and personal property whether within or outside of the city, or whether within or outside of the state of Missouri, necessary to accomplish such object. It may acquire such property by purchase, donation or an exercise of the power of eminent domain, and may do whatever may be necessary to the exercise of the powers herein granted. Every such city shall have the power to issue its bonds for such purpose to an amount not exceeding the constitutional limitations. Every such city shall have power to make at any time a contract with any such person, corporation, or company, for a period not exceeding twenty years, to furnish water to the city, or to the city and its inhabitants, and to authorize such corporation, person or company, during the existence of such contract, to construct, maintain and operate waterworks in the city. Such contract shall contain a provision reserving to such city the right at its option at any time to acquire and become the sole owner of

such portion of the waterworks of such corporation, person or company as may at the time of such purchase be situated in the state of Missouri, on paying a fair and equitable value therefor, to be ascertained, if the parties thereto cannot agree, by the circuit court of the county in which such city is situated, upon the petition of the city, and in such manner as the court may determine; a copy of such petition shall be served upon the corporation, person or company at least fifteen days before the same is presented to the court. The contract above mentioned shall not take effect until an ordinance fully setting forth its terms is submitted to a vote of the voters of the city and approved by two-thirds of the voters voting on the proposition.

**91.660. Bond issues—authorization, approval.**—The acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking and the issuance in anticipation of the collection of the revenues of such undertaking of bonds to provide funds to pay the cost thereof may be authorized under this law by ordinance or resolution of the governing body which may be adopted at a regular or special meeting by a vote of a majority of the members elected to the governing body. Unless otherwise provided therein, such ordinance or resolution shall take effect immediately and need not be laid over or published or posted. The governing body, in determining such cost, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this law. The approval of the voters of such municipality shall be required and on such approval such bonds may be so issued and sold, notwithstanding any provisions of any law of the state of Missouri or the charter, bylaws or other regulations of any municipality, or any limitations upon the incurring of bonded indebtedness prescribed by law of the state of Missouri or the charter, bylaws or other regulations of such municipality. A four-sevenths majority of the voters voting for the proposition shall constitute an approval as herein provided; except that, if the bonds are to be issued for any of the purposes set out in article VI, section 27 of the constitution of Missouri, a simple majority shall constitute approval.

**92.010. Maximum rate of levy for general purposes—method of increase (St. Louis).**—1. Any constitutional charter cities in this state which may now have or hereafter acquire seven hundred thousand or more inhabitants may levy upon all subjects and objects of taxation a rate for general municipal purposes not to exceed the annual rate of one dollar on the one hundred dollars assessed valuation; provided, that the city of St. Louis may levy for county purposes, in addition to the municipal rate of taxation above provided, a rate not exceeding the rate which would be allowed for county purposes if said city of St. Louis were a county; provided, however, that the rate of taxation for general municipal purposes herein limited may be increased for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation. The legislative body of any of said cities may submit the question of an increase of levy when, in the opinion of such legislative body, necessity therefore arises, and such question shall be submitted by such legislative body when petitioned therefor by the voters equalling in number one percent or more of the voters of the city voting for mayor at the last city election at which a mayor was elected.

The question shall be submitted in substantially the following form:

Shall there be a ..... cent increase in tax levy on one hundred dollars valuation for general municipal purposes for ..... years?

2. If such increase in levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but said cities, through their legislative bodies, may submit any such proposal for continuing such increase of levy at any time for like periods not to exceed four years each.

**92.300. Amendment of charter to authorize earnings tax required, how (Kansas City).—**No ordinance enacted pursuant to the authority granted in sections 92.210 to 92.300 shall be effective unless the legislative body of the city shall have submitted to the voters of the city the question of amending the charter, or revised charter, or amended charter of the city authorizing the legislative body of the city to impose a tax defined under sections 92.210 to 92.300. If a majority of the votes cast on the question by the voters voting thereon are in favor of the charter amendment, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the voters voting thereon are opposed to the charter amendment, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to amend the charter, or revised charter, or amended charter of the city, authorizing the legislative body of the city to impose the tax defined under sections 92.210 to 92.300, and the question has been approved by a majority of the voters voting thereon; except that, any tax rate previously adopted by a majority of the voters under the provisions of sections 92.210 to 92.300 and in effect at the time of the submission of a higher tax rate shall remain in effect if the higher rate is defeated by a majority of the voters voting thereon. If a proposed higher rate of taxation is defeated, no proposal to impose a higher rate of tax than the one remaining in effect after the defeat of the proposed higher rate shall again be submitted to the voters of the city within one year from the date of the election at which the proposed higher rate was defeated.

**92.035. Additional levy for museum purposes (Kansas City).—**Any city having a charter form of government and a population of at least three hundred thousand, but less than six hundred and fifty thousand and located wholly or partially within a county of the first class having a charter form of government, in addition to the levy and imposition of taxes authorized by section 92.030, may, except as otherwise provided in this section, by ordinance, levy or impose a tax not to exceed the rate of nine cents on each one hundred dollars of assessed valuation of real and tangible personal property located within the city. The proceeds of the tax representing a rate of at least two cents on each one hundred dollars of assessed valuation to be used for the operation of museum facilities in existence on the effective date of this act, and the remaining proceeds of the tax to be used exclusively for municipal museum purposes and no other. The word "museum" as used in this section, shall not be construed to mean or include an art gallery. General admission to the museum shall be free and open to the residents of said city. Before the city shall impose any tax under this section at a rate which exceeds two cents on each one hundred dollars of assessed valuation, the governing body of the city shall submit the proposed tax rate increase to the voters of the city for approval or rejection at an election.

The question shall be submitted in substantially the following form:

Shall there be an increased tax levy of ..... cents on the hundred dollars assessed valuation for museum purposes?

If a majority of the votes cast upon the proposal are in favor of the levy increase, the governing body of the city may, by ordinance, impose the additional tax. If a majority of the votes cast upon the proposal are against the levy increase, the governing body of the city shall not impose the increase. Nothing in this section shall prohibit a rejected proposal from being resubmitted to a vote of the voters.

**94.060. Maximum rate of tax—how increased—ballots.—1.** All cities of the third class in this state may by ordinance levy and impose annually for municipal purposes upon all subjects and objects of taxation within such cities a tax which shall not exceed the maximum rate of one dollar on the one hundred dollars assessed valuation; provided, however, that the rate of tax levy of one dollar on the one hundred dollars assessed valuation for municipal purposes may be increased for such purposes for a period not to exceed four years at any one time when such rate and purpose of increase are submitted to a vote of the voters within such cities and two-thirds of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation.

2. The city council may submit the question of increasing the levy when in the opinion of such city council the necessity therefor arises, and the question shall be submitted by such city council when petitioned therefor by voters equaling in number five percent or more of the voters of such cities voting for mayor at the last election at which a mayor was elected.

3. The question shall be submitted in substantially the following form:

Shall there be a ..... cent increase in tax levy on one hundred dollars valuation for general municipal purposes for ..... years in the city of .....?

4. If such increase in levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but cities through their city councils may submit the question of continuing such increase of levy at any time for like periods not to exceed four years each.

**94.250. Maximum rate of tax—how increased—extension of period of increase.—1.** All cities of the fourth class in this state may by city ordinance levy and impose annually for municipal purposes upon all subjects and objects of taxation within such cities a tax which shall not exceed the maximum rate of one dollar on the one hundred dollars assessed valuation.

2. The maximum rate of taxation for general municipal purposes may be increased for not to exceed four years at any one time when the rate and purpose of such increase are submitted to a vote and two-thirds of the voters voting thereon vote in favor of the increase, but the increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation. The board of aldermen of such cities may submit the question, and the question shall be submitted by the board of aldermen when petitioned therefor by voters equaling in number five percent or more of the voters of such cities voting for mayor at the last election at which a mayor was elected.

3. The question shall be submitted in substantially the following form:

Shall there be a ..... cent increase in tax levy on one hundred dollars valuation for general municipal purposes for ..... years in the city of .....?

4. If the increase in levy is voted, the increased levy shall be effective for

the number of years designated, and no longer, but such cities through their boards of aldermen may submit proposals for continuing the increase of levy at any time for like periods not to exceed four years each.

**94.340. Maximum rate of tax—how increased—extension of period of increase.**—1. All cities and towns in this state organized and operating under special charters granted by the legislature, known as special charter cities and towns, may by ordinance levy and impose annually for municipal purposes upon all subjects and objects of taxation within such cities and towns a tax which shall not exceed the maximum rate of one dollar on the one hundred dollars assessed valuation; provided, however, that the rate of taxation for general municipal purposes herein limited may be increased for not to exceed four years when the rate and purpose of such increase are submitted to a vote of the voters within such cities and towns and two-thirds of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation.

2. The council of any such cities and towns may submit the question of increasing the levy when in the opinion of such council the necessity therefor arises, and the question shall be submitted by such council when petitioned therefor by voters equaling in number five percent or more of the voters of such cities and towns voting for mayor at the last election at which a mayor was elected.

3. The question shall be submitted in substantially the following form:

Shall there be a ..... cent increase in tax levy on one hundred dollars valuation for general municipal purposes for ..... years in the city of. ....?

4. If such increase in levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but such cities and towns through their councils may submit any such proposal for continuing such increase of levy at any time for like periods not to exceed four years each.

**94.400. Maximum rate of tax—how increased—extension of period of increase.**—1. All cities in this state which now have or may hereafter contain a population of not less than ten thousand and less than three hundred thousand inhabitants according to the last preceding federal decennial census, framing and adopting a charter for its own government under the provisions of section 19, article VI of the constitution of this state, known as "constitutional charter cities", may by city ordinance levy and impose annually for municipal purposes upon all subjects and objects of taxation within their corporate limits a tax which shall not exceed the maximum rate of one dollar on the one hundred dollars assessed valuation, and may by city ordinance levy and impose annually an additional tax at a rate in excess of said one dollar on the one hundred dollars assessed valuation, but not to exceed forty cents on the one hundred dollars assessed valuation for any one or more of the following purposes, to wit: Library, hospital, public health, recreation grounds, and museum purposes; provided, however, that the rate of tax levy of one dollar on the one hundred dollars assessed valuation for general municipal purposes may, in addition to the aforesaid rate and purposes of increase which may be voted by city ordinance, be further increased for general municipal purposes for a period not to exceed four years at any one time when such rate and purpose of increase are submitted to a vote of the voters within such cities and two-thirds of the voters voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation.

2. The legislative body of any such cities may submit the question of increasing the levy when in the opinion of such legislative body the necessity therefor

arises and the question shall be submitted by such legislative body when petitioned therefor by voters equaling in number five percent of the voters of such cities voting for a mayor at the last election at which a mayor was elected.

3. The question shall be submitted in substantially the following form:

Shall there be a ..... cent increase in tax levy on one hundred dollars valuation for general municipal purposes for ..... years in the city of .....?

4. If such increase of levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but such cities through their legislative bodies may submit any such proposal for continuing such increase of levy at any time for like periods not to exceed four years each.

**94.510. Imposition of tax, election—rate—collection—(purchaser) to pay tax—brackets authorized.—1.** Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.570; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.570 shall be effective unless the legislative body of the city submits to the voters of the city, the question of authorizing the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.570.

The question shall be submitted in substantially the following form:

Shall there be a city sales tax?

If a majority of the votes cast on the proposal by the voters voting thereon are in favor of the question, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the voters voting are opposed to the question, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted the question, and the question is approved by a majority of the voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent or at one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.510, RSMo.

3. Within ten days after the adoption of any ordinance in favor of the adoption of a city sales tax by the voters of such city, within such city, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. The tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax, or on January 1, 1970, if notice is received by the director of revenue prior to November 1, 1969.

5. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.570 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

6. In each city in which a city sales tax has been imposed in the manner pro-

vided by sections 94.500 to 94.570, every retailer shall add the tax imposed by the sales tax law of the state of Missouri and the tax imposed by sections 94.500 to 94.570 to his sale price, and when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and the city sales tax shall be the sum of the two rates, multiplying the combined tax rate times the amount of the sale.

7. In cities imposing a tax under provisions of sections 94.500 to 94.570, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the following brackets shall be applicable to all taxable transactions and shall be used in lieu of those provided in section 144.285, RSMo:

In cities imposing a one-half of one percent tax:

Transaction	Tax
\$0.00-\$0.14	None
.15- .35	\$.01
.36- .59	.02
.60- .83	.03
.84- 1.14	.04
1.15- 1.41	.05
1.42- 1.69	.06
1.70- 1.96	.07
1.97- 2.24	.08
2.25- 2.52	.09
2.53- 2.79	.10
2.80- 3.07	.11
3.08- 3.34	.12
3.35- 3.62	.13
3.63- 3.89	.14
3.90- 4.17	.15
4.18- 4.44	.16
4.45- 4.72	.17
4.73- 4.99	.18
5.00- 5.27	.19
5.28- 5.54	.20
5.55- 5.82	.21
5.83- 6.09	.22

The brackets set forth between \$2.53-\$2.79 and \$5.83-\$6.09 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

In cities imposing a one percent tax:

Transaction	Tax
\$0.00-\$0.12	None
.13- .29	.01
.30- .49	.02
.50- .75	.03
.76- .99	.04
1.00- 1.23	.05
1.24- 1.47	.06
1.48- 1.71	.07
1.72- 1.96	.08



1.97- 2.20	.09
2.21- 2.44	.10
2.45- 2.68	.11
2.69- 2.93	.12
2.94- 3.17	.13
3.18- 3.41	.14
3.42- 3.65	.15
3.66- 3.90	.16
3.91- 4.14	.17
4.15- 4.38	.18
4.39- 4.62	.19
4.63- 4.87	.20
4.88- 5.11	.21
5.12- 5.35	.22
5.36- 5.59	.23
5.60- 5.84	.24

The brackets set forth between \$.76-\$.99 and \$5.60-\$5.84 shall be projected in the same ratio for all sales of amounts larger than those shown in the table.

**95.115. Cities and towns may incur indebtedness, how.**—Any city, incorporated town or village of the state, whether organized under the general laws of this state or by special charter or by constitutional charter, by vote of two-thirds of the electors thereof voting thereon, may become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years for any purpose authorized in the charter of such city, incorporated town or village, or by any general law of this state; provided, such indebtedness shall not exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes.

**95.125. Indebtedness for street improvements.**—Any city, whether organized under the general laws of this state or by special charter or by constitution charter, by a vote of two-thirds of the voters thereof voting thereon, may become indebted, not exceeding in the aggregate an additional ten percent of the value of the taxable tangible property therein as shown by the last completed assessment for state and county purposes, for the purpose of acquiring rights-of-way, constructing, extending and improving the streets and avenues and acquiring rights-of-way, constructing, extending and improving sanitary or storm sewer systems; provided, that the governing body of such city may provide that any portion or all of the cost of any such improvement be levied and assessed by such governing body on property benefited by such improvement, and, when so provided, such city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued for such improvement.

**95.130. Indebtedness for waterworks, electric or other light plants.**—Any city, whether organized under the general laws of this state or by special charter or by constitutional charter, by vote of two-thirds of the voters thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten percent of the value of the taxable tangible property therein as shown by the last completed assessment for state and county purposes for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city; provided, the total gen-

eral obligation indebtedness of such city shall not exceed twenty percent of the assessed valuation of such city as shown by the last completed assessment for state and county purposes.

**94.145. Election.**—For the purpose of testing the sense of the voters of any incorporated city, town, or village, whether organized under the general laws of this state or by special charter or by constitutional charter, upon a proposition to incur debt as authorized in sections 95.115 to 95.135, the council, board of aldermen or trustees, as the case may be, shall order the question be submitted to the voters.

**95.150. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... (name of city, town, or village) issue bonds in the amount of ..... dollars for the purpose of .....?

**95.155. Bonds issued when, terms.**—Upon the result of the submission of the question being certified to the council, board of aldermen or trustees, as the case may be, if the proposition to incur or increase such indebtedness be assented to by at least two-thirds of the voters voting on the proposition, the council, board of aldermen or trustees, as the case may be, may, by ordinance or resolution, declare the result of the submission of the question and cause bonds of such municipality to be issued, payable to bearer, not exceeding the amount authorized, and in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear, bearing interest from date at a rate not exceeding six percent per annum, payable semiannually, which bonds shall have interest coupons attached to conform to the face thereof. All such bonds shall be signed by the mayor of the city, or chairman of the board of trustees of the town or village, as the case may be, attested by the signature of the clerk, and each bond shall have impressed thereon the corporate seal of the municipality. In the event that the charter under which a municipality may be operating makes no provision for the office of mayor, such bonds shall be signed by the presiding officer of the governing body of such municipality. In the event that the charter under which a municipality may be operating makes no provision for the office of clerk, such bonds shall be attested by the officer designated by the charter as the custodian of the seal of the municipality. Provided, however, that whenever one thousand or more bonds are to be executed as of the same date, the ordinance pursuant to which such bonds are issued may direct that such bonds be executed by the facsimile signature of the mayor, if there be a mayor, or by the facsimile signature of the presiding officer of the governing body of the municipality, if there be no mayor. Such bonds may be negotiated and sold, but in no case shall they be sold for less than par.

**95.370. Bonds may be issued to pay judgments—terms of.**—The mayor and board of aldermen of any city of the fourth class, upon the assent of two-thirds of the voters of the city voting on the question may, by ordinance, issue coupon bonds of the city in amounts not less than one hundred dollars each, for the purpose of paying any indebtedness of such city, reduced to judgment, which bonds shall run for a period not exceeding twenty years, may carry interest payable annually or semiannually at a rate not exceeding six percent per annum, which shall be signed by the mayor, attested by the city clerk, and shall bear the seal of the city.

**95.385. Election to be held.**—For the purpose of testing the sense of the

voters upon the proposition to issue bonds and levy tax provided for in sections 95.370, 95.375 and 95.380, the mayor and board of aldermen of such city shall order the question to be submitted to the voters of the city.

**95.390. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... (name of city) issue bonds in the amount of ..... dollars to pay judgments and to levy a tax therefor?

**95.410. Board may levy tax to pay interest on bonds—may issue bonds.**—The board of aldermen shall have the power to levy, annually, taxes upon all taxable property within the city in addition to other taxes, and in sufficient amount for the purpose of paying the interest and coupons as may become due on all bonds now issued and outstanding, and such taxes shall be collected in the same manner and time as other taxes. The mayor and board of aldermen shall also have power, by ordinance, to issue bonds payable in one year, to an amount not exceeding half the current revenue for the fiscal year, and also to issue bonds in renewal of other bonds of the city maturing for the requisite amount and which the city has no fund to pay; provided, however, that such renewal bonds shall not bear a greater rate of interest than did the original bonds, and shall not run for a longer time than ten years. The mayor and board of aldermen shall also have power, by ordinance, to issue bonds for the purpose of funding the floating indebtedness of the city existing at the time of its incorporation as a city of the fourth class. The mayor and board of aldermen shall have power, by ordinance, to issue bonds for the purpose of extinguishing or paying off any indebtedness against any such city of the fourth class; provided, such indebtedness has been contracted by and with the consent of two-thirds of the voters voting in favor of the question and declared by any court of competent jurisdiction to be a legal and valid indebtedness, and which has or may hereafter become a judgment against such city; provided, however, that the aggregate amount of such judgment and existing indebtedness does not exceed the constitutional limit of such city, and that such bonds shall not be sold for less than par nor draw any greater rate of interest than six percent per annum, payable semiannually, and shall not run for a longer time than twenty years.

**95.440. Question to be submitted to voters.**—For the purpose of testing the sense of the voters upon a proposition to issue bonds for the purpose of taking up the indebtedness of such city or town as has been ascertained and determined by a judgment or decree of court, the council, trustees or other proper authority of such municipality shall order the question to be submitted to the voters.

**95.445. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... (name of city) issue bonds in the amount of ..... dollars to pay a ..... (judgment or decree) and levy a tax therefor?

**95.450. Duties of council if question carries.**—If the bond issue by any such city or town be carried or consented to by two-thirds of the voters voting on the question, the council, trustees or other legislative authority of such city or town may, by ordinance, declare the result of the submission of the question, and cause such bonds of such city or town to be issued for the amount of such indebtedness as has been ascertained and determined by judgment or decree of court.

**95.510. Board of aldermen to call bond election for national park or plaza (cities over 400,000).**—In the event that at any time the United States, or any

qualified authority thereof, shall propose to establish and improve, within any city in this state now or hereafter having a population of four hundred thousand inhabitants or more, a national park or plaza, intended and designed to commemorate any great event or movement in our national history, to be accessible to the public under federal regulation, and to cover an area within such city of not less than one million square feet, and one thousand or more voters of such city shall petition the board of aldermen of such city, asking that the question be submitted to the voters to determine whether, in consideration of and in order to induce the location and establishment of such improved park or plaza in such city, the city shall incur indebtedness and evidence the same by the issuance of bonds for the purpose of providing funds to make the payment by way of assistance herein referred to, it shall be the duty of the board of aldermen as soon as conveniently may be, to submit the question to the voters.

**95.515. Questions to be submitted—amount of bonds to be voted (cities over 400,000).—**There shall be submitted to the voters the question whether or not such city shall incur an indebtedness and evidence the same by the issuance of bonds for the purpose of providing funds to pay by way of assistance to the United States, or its qualified authority, in consideration of and in order to induce the location and establishment within such city of such park or plaza, the sum fixed by the ordinance providing for the submission of the question, which sum shall not exceed one-fourth of the total amount to be expended by the United States, or its authority, for the acquisition and establishment of such park or plaza (including site and improvements), and shall not exceed the sum of eight million dollars; nor shall such sum, when added to the other indebtedness of the city, exceed its capacity to become indebted under the constitution of this state.

**95.527. Additional bonds authorized for national park or plaza—election (cities over 400,000).—1.** Any city having a population of four hundred thousand inhabitants or more may borrow money and issue bonds in an amount not to exceed one million five hundred thousand dollars for the purpose of providing funds to supplement the funds authorized by sections 95.510 to 95.525. Any additional funds authorized hereunder shall be expended as provided by ordinance, and the ordinance shall provide the extent, if any, to which any expenditure shall be conditioned upon the expenditures of additional funds for improvements to be made by the United States.

2. The submission of the question may be ordered by ordinance without a petition therefor, and all bonds issued under the provisions of this section are subject to all limitations, terms and provisions of law applicable to the issuance and sale of general obligation bonds of the city.

**96.150. Submission of hospital question to voters—maximum tax authorized—approval required—tax may be ended.—1.** When one hundred voters of any city of the third class shall petition the mayor and council asking that an annual tax be levied for the establishment, either by purchase or otherwise or leasing, equipping, operating and maintaining a hospital, or a nursing or convalescent home in such city for the care and the treatment of the sick, disabled, and infirm therein; provided that each of the herein named hospital or nursing or convalescent home shall be considered as a separate facility for all purposes under sections 96.150, 96.160, 96.180, 96.190, 96.200 and 96.210; the petition shall specify the rate of taxation, not to exceed twenty cents on each one hundred dollars assessed valuation annually; the mayor and council shall submit the question to the voters.

2. The question shall be submitted in substantially the following form:

Shall there be ..... cent tax for ..... (establishment of, equipping, operating and maintaining) a ..... (hospital, nursing home, or convalescent home) in the city for the care and treatment of the sick, disabled and infirm?

3. If two-thirds of the voters voting on the question shall vote for such tax, the tax shall be levied and collected in like manner as other general taxes of the city and shall be known as the "hospital fund", or the "nursing or convalescent home fund".

4. The tax shall cease in case the voters in the city shall so determine by a majority vote at any election held therein.

**96.310. Children's home fund—when taxes may be levied—election—tax may be ended or reduced, when, how.—1.** When one hundred voters of any city of the third class shall petition the mayor and legislative branch of the municipal government, asking that an annual tax be levied for the maintenance of a home for orphan children and the children of indigent parents, and shall specify in the petition a rate of taxes not to exceed one mill on the dollar annually on all property in the city, such mayor by direction of the legislative branch of the municipal government shall submit the question to the voters.

2. The question shall be submitted in substantially the following form:

Shall there be a tax for a children's home?

3. The tax specified shall be levied and collected and shall be known as the "children's home funds".

4. If a majority of voters in the city, voting on the question vote to terminate the tax, the tax shall terminate.

5. In case of an increase in valuation in any year of the taxable property within such incorporated city, the council of such city may reduce the levy herein provided for by levying a tax for the maintenance of said orphans' home which in the judgment of said common council shall be sufficient for the maintenance of the orphans' home throughout the year, but in no case shall the tax so levied for any one year by the common council exceed ten percent more than the tax of the previous year.

**98.030. Certain cities may elect police judges—jurisdiction.—All cities and towns having a population of less than ten thousand and acting under special charters, may, by ordinance, provide for the election of police judges in such cities, who shall be elected at the municipal election, and shall, when so elected, have exclusive jurisdiction to hear and determine all offenses against the ordinances of such cities; provided, that when such police judge shall be elected, then the jurisdiction conferred on the mayor to hear and determine cases for the violation of city ordinances by the charter of such city shall be held to refer to the police judge elected under this section.**

**98.320. Duties of police judge—vacancies, how filled.—1.** The police judge in cities of the third class shall be a conservator of the peace, and shall have exclusive original jurisdiction to hear and determine all offenses against the ordinances of the city. He shall keep a docket, in which he shall enter every case commenced before him, and the proceeding therein; and he shall deliver said docket and all books and papers pertaining to his office to his successor in office.

2. If the police judge be absent, sick or disqualified from acting, the mayor shall designate some competent, eligible person of the city to act as police judge until such absence or disqualification shall cease; provided, however, that should a vacancy happen in the office of police judge the same shall be filled by some

magistrate or other competent, eligible person of the city, to be appointed by the mayor to serve until the next election.

3. In any case pending in any police court, the judge thereof shall be deemed incompetent and disqualified to hear and try the case when he is in any wise interested or prejudiced. The judge of his own initiative may enter an order disqualifying himself; and he shall also disqualify himself if, before the jury is sworn or the trial commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality as the case may be cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Only one such affidavit shall be filed by the same party in the case.

4. The governing body of the city shall provide by ordinance for the compensation of any person appointed to act as police judge. Such compensation shall not exceed the sum of thirty-five dollars for each day or part thereof the acting police judge is actually engaged in holding court.

**98.500. Mayor, police judge, municipal judge, election or appointment—jurisdiction.**—The mayor and board of aldermen of cities of the fourth class located in any county of the first class with a charter form of government shall, by ordinance, provide for the election or appointment of a municipal judge, who shall be licensed to practice as an attorney in this state; except that, any person who is holding the office of police judge in any fourth class city on October 13, 1969, shall be eligible for the office of police judge without being licensed to practice law. Any person who is elected municipal judge shall be a resident of the city during his term of office. A person appointed municipal judge need not be a resident. The person who is appointed to serve as municipal judge may also serve as municipal judge in some other fourth class city or town or village. The mayor and board of aldermen of cities of the fourth class not in a county of the first class with a charter form of government may, by ordinance, provide for the election of police judges in such cities, who shall be elected at the municipal elections, and who shall, when so elected, have exclusive jurisdiction to hear and determine all offenses against the ordinances of the city in which he was elected; provided, that when such police judges shall be so elected, then the jurisdiction in sections 98.500 to 98.660 herein conferred on the mayor to hear and determine cases for the violation of city ordinances shall be held to refer to the police judge elected under this section; provided further, that in case of the absence, sickness, or disability in any wise of such police judge, or in case of vacancy in such office, the mayor shall perform all such duties until the disability is removed or the vacancy is filled.

**100.110. Election on revenue bonds—ballot—vote required.**—1. Whenever the plan for the project which has been approved provides for revenue bonds to be issued to provide funds for the project, the governing body shall submit the proposal to issue the bonds at an election. The question shall be submitted in substantially the following form:

Shall the city of ..... issue revenue bonds in the amount of ..... dollars to be payable solely from the revenues derived from a project for industrial development, and not a general obligation of the city, for the purpose of providing funds for the industrial development project?

2. If a majority of the voters of the municipality voting on the question vote "Yes", the issuance of revenue bonds for the purpose submitted is authorized.

**100.120. Time for election—subsequent elections.**—The question of issuing either general obligation bonds or revenue bonds under a plan to finance a project which has been approved by the division of commerce and industrial development and the governing body of the municipality shall be submitted within one year

from the date on which the division approved the plan. If the question of issuing either general obligation bonds or revenue bonds is submitted and does not pass, the question shall not be submitted to the voters until the division determines that the question may be submitted.

**108.010. County by two-thirds vote may become indebted—limitations.**—Any county in this state, by vote of two-thirds of the voters voting thereon, may become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years; provided such indebtedness shall not exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes.

**108.020. Additional county indebtedness.**—Any county in this state, by vote of two-thirds of the voters voting thereon in favor of the question, may incur an indebtedness for county purposes in addition to that authorized in section 108.010 not to exceed five percent of the taxable tangible property shown as provided in said section.

**108.040. Election to authorize county indebtedness—petition.**—Whenever it may become necessary for any county in this state to incur an indebtedness as authorized in section 108.010 or 108.020, it shall be lawful for any number of voters of such county, but not less than one percent or three hundred, whichever is greater, as determined by the vote for governor in the county in last election at which a governor was elected to present to the county court of such county a petition in writing setting forth the object and purpose for which the indebtedness is desired to be incurred and asking that the question be submitted to the voters. Upon the presentation of such petition it shall be the duty of the county court of such county to order that the question be submitted to the voters.

**108.050. Notice of election.**—The notice shall state the time and purpose of the election and the amount of indebtedness to be incurred.

**108.060. Form of ballot.**—1. The question shall be submitted in substantially the following form:

Shall ..... county issue bonds in the amount of ..... dollars for the purpose of .....?

2. The election authority shall certify the results to the county court.

**108.070. Vote required for approval—sale of bonds—tax to be imposed.**—If it appears from the results of the examination and casting up of the returns of the said election as certified to the county court that two-thirds or more of the voters of such county voting on the question submitted were in favor of incurring such indebtedness, the court shall make an order reciting the submission of the question and the result thereof, both for and against the question. If the result of the submission of the question as certified shall be in favor of the issuing of bonds, said bonds shall be sold at such time and in such amounts as the court may from time to time order and direct. The county court shall provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as is falls due, and also to create a sinking fund for the payment of the principal thereof within twenty years from the date of contracting the same.

**108.090. County treasurer to sell bonds—notice—private sale—sale of bonds after election called by petition.**—1. The county treasurer of the county issuing such bonds is hereby authorized to sell and dispose of all such bonds in the man-

ner herein provided. Said treasurer, under the direction of the county court, shall cause notice to be published once per week for two consecutive weeks in one or more newspapers of general circulation published in such county, or, if there is no newspaper published in such county, then by posting written or printed handbills in at least two public places in the county, that sealed proposals for the purchase of all or a part of said bonds as may appear in said notice will be received at his office, and that the same will be opened by him in the presence of the county court on the day and hour mentioned in the notice.

2. Said treasurer may, under the direction of the court, reject any or all bids that the court may not deem satisfactory as to price or otherwise, and sell said bonds in the same manner; provided, however, if the county court shall so order the treasurer may sell said bonds at not less than their face value, at private sale, and report the same to the court at the next term thereafter; provided that in all cases where proceedings for the issuance of county bonds have been initiated to the extent that petitions required by existing law have been circulated and filed with the county court containing the signatures of the requisite number of voters and an order by the county court has been made pursuant thereto the question shall be submitted. If two-thirds of the voters voting thereon shall vote in favor of incurring such indebtedness and of issuing bonds therefor, such bonds may be issued, sold and delivered under the provisions of the statute pursuant to which such proceedings were initiated and such proceedings and such bonds, so issued, shall be valid; or where the issuance of such bonds has been authorized at an election held prior to the effective date of sections 108.010 to 108.110, such bonds may be issued, sold and delivered under the provisions of the statute pursuant to which such proceedings were initiated.

**115.005. Scope of act.**—Notwithstanding any other provision of law to the contrary, sections 115.001 to 115.641 RSMo, shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

**115.023. Election authority to conduct all elections—which authority, how determined.**—1. Except as provided in subsections 2, 3 and 4 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in section 6.015 or 12.365 of this act.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and shall have all powers and duties granted under the provisions of this act, except the provisions of chapter 7 and sections 9.010 and 9.055, in the area outside its jurisdiction.

4. The clerk or secretary of any political subdivision or special district shall conduct an election for the political subdivision or special district if the political subdivision or special district is wholly located in a county or counties without a



board of election commissioners, if the political subdivision or special district does not overlap another political subdivision or special district conducting an election on the same day and if directed to do so by the governing body of the political subdivision or special district. No later than 5:00 p.m. on the Friday after the sixth Tuesday prior to any political subdivision or special district election conducted by the clerk or secretary of the political subdivision or special district pursuant to this subsection, the political subdivision or special district calling the election shall notify the county clerks otherwise responsible for conducting the election. The notice shall be in writing and shall include the name of the political subdivision or special district calling the election and a statement the political subdivision or special district intends to conduct its own election. If proper notice is not received by a county clerk by the time specified, the county clerk shall conduct the political subdivision or special district election for that part of the political subdivision or special district located in its county. Before conducting an election under the provisions of this subsection, the political subdivision or special district shall notify the county clerk as provided and by the time provided in section 6.010. In conducting such elections, the clerk or secretary of the political subdivision or special district shall have all powers and duties granted to county clerks under the provisions of this act, except the provisions of section 5.001 and chapter 7. For the purposes of this subsection, the jurisdiction of the clerk or secretary shall be the political subdivision or special district.

5. Notwithstanding the provision of Section 493.030 whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required under this act, a newspaper publishing such notice shall charge and receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty days preceding publication of the particular notice to which it is applied.

**115.121. General election, when held—primary election, when held—municipal election day defined.—**1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday in April each year; and shall be known as municipal election day.

**115.123. Public election to be held on certain Tuesdays—exceptions—not to be held on other days.—**All public elections shall be held on Tuesday. Except bond elections necessitated by fire, vandalism or natural disaster, except special elections to fill vacancies and to decide tie votes or election contests, and except as otherwise expressly provided by city or county charter, all public elections shall be held on the general election day, the primary election day, the municipal election day, the first Tuesday after the first Monday in February, June, August, October or November or with an election on another day expressly provided by city or county charter. After January 1, 1978, no city or county shall adopt a charter or charter amendment which calls an election on any day other than the February, April, June, August, October or November election days specified in this section.

**115.127. Notice of elections, how, when given.—**1. Upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a news-

paper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsection 1 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified under Chapter 493, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice. The first publication occurring at least 14 days prior to the election and the last publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

**115.331. Receipt to be given for filed petition.**—When any petition is offered for filing with the secretary of state or an election authority under the provisions of this chapter, the officer receiving the petition shall prepare and issue to the person submitting the petition a receipt indicating the number of petition pages presented from each county. The receipt shall be evidence of the filing of the petition pages subject to the determination that the petition complies with the provisions of this chapter.

**115.257. Voting machines to be put in order, procedure to be followed.**—1. In jurisdictions where voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places. Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).

2. At least five days before preparing voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When a machine has been examined by such observers and shown to be

in good working order, the machine shall be locked against voting and sealed in their presence with a numbered metal seal. The observers shall certify the number on each machine, the number on each protective counter, the number on each seal and that each recording counter is set at zero.

4. After a voting machine has been properly prepared, locked and sealed, its key shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. Nothing in this section shall prohibit the on-site storage of voting machines and the preparation of the machines for voting provided the voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 and 4 of this section.

**137.030. Levy for library purposes.—**1. Any county, or other political subdivision otherwise authorized by law to support and conduct a library, may levy for library purposes in addition to the limits prescribed in article X of the constitution a rate of taxation on all property subject to its taxing powers in an amount as now or hereafter prescribed by law; provided, that political subdivisions now having or hereafter having a population of not less than three hundred thousand inhabitants nor more than six hundred thousand inhabitants according to the last federal decennial census are authorized to levy for library purposes a rate which shall not exceed ten cents on the hundred dollars assessed valuation, annually, on all taxable property in such subdivision and may, upon compliance with the provisions of subsection 2 of this section, levy an additional tax of not to exceed fifteen cents, for a total of not to exceed twenty-five cents, on the hundred dollars assessed valuation, annually, on all taxable property in such subdivision.

2. In political subdivisions now having or hereafter having a population of not less than three hundred thousand inhabitants nor more than six hundred thousand inhabitants according to the last federal decennial census and levying the full tax of ten cents for library purposes provided for in subsection 1, the governing board or other governing body of the political subdivision may submit the question to the voters. The question shall be submitted in substantially the following form:

Shall the ..... (name of governing board or other governing body) of ..... (name of political subdivision) be authorized to levy a .. cent tax over the present. ... cent tax for the free public library?

3. If a majority of all of the votes cast on the question is for the proposed grant of additional authority to levy tax, the governing board or other governing body of the political subdivision may thereafter annually levy a tax within the limitation of the authority granted, the tax to be collected in like manner with other taxes for the political subdivision.

4. Nothing contained in this section or done pursuant to its provisions shall be construed to waive or satisfy the duty of the general assembly, under section 10 of article IX of the constitution of this state, to grant aid to any free public library supported by the political subdivision, in such manner and in such amounts as may be provided by law. Any tax rate authorized hereunder may, pursuant to section 11(c) of article X of the constitution of this state, be levied in excess of the rates of taxation authorized by law for general municipal, county or school purposes of the political subdivision.

**137.037. Levy to pay cost of property reevaluation—election—form of ballot.—**1. The county court of any county may, at any election, submit to the voters of the county a proposition to authorize a levy not to exceed two mills on the dollar of assessed valuation of all tangible property taxable by the county for one year to pay the cost of contracting with a private person or firm to reevaluate all real

property subject to taxation by that county; provided, however, that the governing body of counties of the first class may by order of record require such reevaluation to be made by the county assessor of such county and may use said revenue to provide necessary additional employees, office equipment and supplies in the office of the county assessor for such purpose only.

2. The question shall be submitted in substantially the following form:

Shall the county court be authorized to levy a tax not to exceed twenty cents on the hundred dollars assessed valuation on all property taxable by the county, for one year to provide ..... dollars to pay the cost of a reevaluation of all real property subject to taxation by the county?

3. If the question receives a majority of the votes cast thereon, the county court shall impose such levy for one year. Any excess collected in the last year in which the levy is imposed shall be transferred to the general revenue fund of the county.

**137.065. Limit of county taxes—increase—election—ballot.—1.** For county purposes the annual tax on property, not including taxes for the payment of valid bonded indebtedness or renewal bonds issued in lieu thereof, shall not exceed the rates herein specified: In counties having three hundred million dollars or more assessed valuation the rates shall not exceed thirty-five cents on the hundred dollars assessed valuation; and in counties having less than three hundred million dollars assessed valuation the rate shall not exceed fifty cents; provided, that in any county the maximum rates of taxation as herein limited may be increased for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the voters of the county voting thereon shall vote therefor.

2. County courts are hereby authorized to submit the question of increasing maximum tax rates herein specified, and shall submit the question when petitioned therefor by not less than ten percent of the voters of the county as determined by the total vote cast for governor in the last preceding general election for governor.

The question shall be submitted in substantially the following form:

Shall there be a levy for county purposes of .... on the hundred dollars assessed valuation?

**137.565. Election for tax—petition—duty of county court.—**Whenever ten or more voters residing in any general or special road district in any county in this state shall petition the county court of the county in which such district is located, asking that such court submit the question in such district for the purpose of voting for or against the levy of the tax provided for in the second sentence of the first paragraph of section 12 of article X of the Constitution of Missouri, it shall be the duty of the county court, upon the filing of such petition, to submit the question. The petition so filed shall set out the duration of the tax to be levied in a period of one, two, three, or four years and the ballot to be used for voting shall specify the number of years duration of the tax levy, but in no event shall the duration of the tax levy be for a period of more than four years. Such submission shall be made by an order entered of record setting forth the date and the rate of tax the court will levy, which rate shall not exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property in the district.

**137.570. Form of ballot.—**The question shall be submitted in substantially the following form:

Shall the ..... road district of ..... county levy an additional tax rate of ..... cents on the hundred dollars valuation, for a period of .... years?

**162.071. Annexation of unorganized territory, when, procedure.**—Whenever there is within the state any unorganized territory or when the creation of a school district or a change in the boundaries of an existing school district leaves the remaining part of a district containing less than twenty children of school age and either less than eight square miles of territory or an assessed valuation of less than fifty thousand dollars, or when the remaining part of a district is left without a schoolhouse, any three voters of the unorganized territory or remaining part of the district may call an election of the voters of the territory to vote on the proposition of annexation to an adjoining school district. The proceedings shall be conducted as provided in section 162.441. If no proceedings to attach such remaining part of a district to an adjoining district are instituted within sixty days, or if the proceedings are unsuccessful, the county board of education shall order its annexation to an adjoining district. The annexed territory shall become a part of the receiving district on receipt by the secretary or clerk of the district of notice of annexation from the county board.

**162.111. County board of education in second, third and fourth class counties—qualifications, election.**—1. There is created in each second, third and fourth class county in this state a county board of education whose members shall be elected by popular vote at the annual municipal election. Each member shall be a citizen of the United States and of the state of Missouri; a resident householder and voter of the county, and shall be not less than twenty-four years of age. Nominations for board members shall be filed with the secretary of the county board of education.

2. At the annual school election next following October 13, 1963, six members shall be elected whose terms shall be determined at the first meeting of the board subsequent to the election as follows: In each county court district the member receiving the highest number of votes shall serve for three years; the member receiving the next highest number of votes shall serve for two years, and the member receiving the least number of votes shall serve for one year. Thereafter each member shall serve for three years. Not more than three members shall be elected from one county court district.

3. The cost of the election shall be paid from the incidental fund.

**162.141. County board member disqualified, when—vacancies, how filled.**—Any member of the county board who is absent from board meetings two or more consecutive times without majority approval of the board, or who moves his residence from the county court district from which he was elected, shall be disqualified as a member of the board. If one or two vacancies occur in the membership of the county board of education, the remaining members, before transacting any official business, shall appoint one or two qualified persons to fill the vacancies until the next annual meeting for the election of the members of the county board of education. If the board is unable to agree in filling a vacancy or if there are more than two vacancies at any one time, the state commissioner of education, upon notice from the secretary of the board of the vacancies, shall immediately fill them by appointment and shall notify the persons in writing of their appointment. The persons appointed shall serve until the second Tuesday in April of the following year, in counties of the first class, when their successors shall be elected for the unexpired term. In counties of the second, third and fourth

classes persons appointed shall serve until the first Tuesday in April when their successors shall be elected for the unexpired term.

**162.191. Election in proposed district.**—Within sixty days after receipt of approval by the state board of education of the reorganization plan or part thereof, the secretary of the county board of education shall submit the question in each proposed six-director school district wholly within the county or which has been designated by the state board of education as belonging to the county. The notices of the election shall be signed by the president and secretary of the county board of education. The cost shall be paid from the incidental fund. The question shall be submitted in substantially the following form:

Shall the ..... school district (and the ..... school district) be reorganized as a six-director district?

A majority affirmative vote of the total votes cast is required for adoption of the proposed six-director district. If the plan is not adopted, no subsequent plan involving any part of the same area may be submitted sooner than one year following the date of the submission of the question at which the plan was defeated.

**162.221. Six-director district, procedure to organize.**—1. When the voters of any one or more districts as authorized in section 162.211, except those districts designated in subdivision (2) thereof, desire to form a six-director district, a petition signed by at least ten percent in number of those voting for school board members in the last annual school election in each district or one hundred voters, whichever is the higher number, shall be filed with the state board of education. On receipt of the petition, a representative of the state department of education, designated by the commissioner of education, shall visit the districts and determine the exact boundaries of the proposed six-director district. In determining these boundaries, he shall so locate the boundary lines as will in his judgment form the best possible six-director district, having due regard also to the welfare of adjoining districts.

2. Within sixty days after the receipt of the petition, the commissioner of education shall submit the question to the voters of the proposed district. The notice shall include a statement of the purpose together with a plat of the proposed district. The state commissioner shall file a copy of the petition and of the plat with the county clerk. The election shall be conducted in the manner provided in section 162.191.

**162.223. Consolidation of six-director districts—petition—hearing—findings—election.**—1. When the voters in any two or more adjacent six-director districts without limitation as to size or enrollment desire to consolidate and form a new six-director district, a petition asking for a hearing upon the question of consolidation shall be filed with the state board of education; provided, however, that said petition shall be signed by ten percent of those in each district who voted for school directors at the last election in which such directors were elected, or one hundred voters, whichever is the higher number. Upon receipt of any such petition, the state board of education, through its section on district reorganization under section 161.152, RSMo, and through such other sources as it selects, shall investigate the educational needs of the area sought to be included and, if it determines that the filing of the petition was not frivolous and that there is a reasonable chance that a proposed consolidation will result in better education for the children in the district, within six months following receipt of the petition,

shall schedule a hearing or hearings to be held at a convenient place or places within a proposed district.

2. At such hearing or hearings, the state board of education shall give opportunity to proponents and opponents of the proposed consolidation to offer statements, information and testimony relating to the advantages or disadvantages of the proposed consolidation. Oaths shall not be administered to those testifying.

3. Within ninety days after such hearing or hearings, the state board of education shall prepare in written form appropriate findings of fact supporting its determination:

(1) That the formation of the proposed district will not result in better education for the children to be affected, in which event no proposal for formation of a new six-director district shall be submitted to the voters; or

(2) That the formation of a new six-director district could result in better education, in which event a proposal to form such a district shall be submitted at the next annual school election to the voters of the districts to be affected. The question shall be submitted in substantially the following form:

Shall the ..... school district and the ..... school district (and the ..... school district) form a new six-director district?

The state board of education shall direct the boards of education or the board of directors of each affected district to cause the question to be included on the ballot to be submitted to the voters in each such district at said election. A plat of the proposed new six-director district shall be published and posted with the notices of election. The determination of the state board of education to submit the question or not to submit the question shall be conclusive; except that any interested party aggrieved by the findings of the board may, within thirty days after such determination, take an appeal to the circuit court of the circuit in which the aggrieved party resides to review and the court shall render its judgment and appropriate order in the cause.

4. The results of the voting on the proposal in each district affected shall be certified to the state commissioner of education by the secretary of each board of education of each district or by such other person or body charged with conducting such elections and, should the majority of the votes cast in the proposed district be in favor of the proposal, the state commissioner shall declare the new district formed as of July first following the submission of the question.

**162.231. Failure to approve proposed district—effect.**—If any proposed six-director district does not receive the required majority affirmative vote, the school districts constituting the proposed new school district shall remain as they were prior to the submission of the question.

**162.241. Election of directors in newly formed district.**—If a proposal to form a six-director district under provisions of section 162.223 receives a majority of the votes cast on the proposition, the state board of education or the county board of education, in the case of a district formed under provisions of sections 162.171 through 162.191, shall order an election in the district to be held. This election shall be for the purpose of electing six members to serve on the school board of the district. The election shall be conducted in the manner provided by section 162.371. A letter from the commissioner of education, delivered by certified mail, to the president of the county board of education of the county to which the district formed by provisions of section 162.223 is assigned shall be the authority for the county board to proceed with election procedures in the same manner as they would be performed by the district board of education were it in

existence; but the costs of the election shall be paid from the incidental fund of the new district. Two directors shall be elected to serve until the next municipal election, two to serve until the second municipal election, and two to serve until the third municipal election.

**162.251. New district, officers, elected when—funds how transferred—obligations assumed.**—Should the proposal to form a six-director district in the manner provided in section 162.223 receive the necessary favorable vote, the terms of office of all directors and officers of each of the school districts comprising the territory incorporated in the new six-director district shall cease on July first following the submission of the question, at which time such directors and officers shall deliver to the board of the newly formed school district all property, records, books and papers belonging to the component districts. On said date, all funds in the hands of the county or township treasurer to the credit of the districts incorporated in the new six-director district shall be transferred to the credit of the treasurer of the six-director district. The treasurers of the former six-director districts on that July first shall turn over to the treasurer of the new district all funds belonging to the former six-director districts and shall make settlement therefor as provided by section 165.101, RSMo. The new district shall faithfully perform all existing contracts and assume all legal obligations of the component districts.

**162.261. Six-director district, board of, terms—vacancies.**—The government and control of a six-director school district, other than an urban district, is vested in a board of education of six members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county board of education upon receiving written notice of the vacancies shall fill the vacancies by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

**162.291. Directors—election—qualifications.**—The voters of each six-director district other than urban districts shall, at municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are at least twenty-four years of age.

**162.321. Change of district name—effect.**—1. The board of education of any six-director district may change the name of the district by unanimous consent of the members of the board, the name to comply with any applicable regulations of the state board of education, after first giving notice of the change by publication in some newspaper published in the county in which the district is located. The notice shall be published once a week for at least three consecutive weeks. The first publication shall be made not less than three weeks prior to the date upon which the board proposes to make the change of name, and the last publication shall be made not more than seven days prior to that date. However, if a petition signed by twenty voters residing within the district is filed with the board on or before the date specified in the notice protesting against the change of name then the proposed change of name shall be presented as a question at the next municipal election. If the question is assented to by a majority of the voters of the district voting on the question, the board of education shall declare the change of name to be in effect.



2. The changing of the name of the school district under this section shall in no way change its classification or have any effect upon its contracts, indebtedness, existence, or other rights and liabilities.

**162.341. Annual election, when held.**—The annual election in six-director districts, except urban districts, shall be held on municipal election days.

**162.351. Election commissioners to conduct elections in certain districts.**—In any urban school district in a city having a population of more than three hundred thousand or in any six-director school district located wholly within a city having a population of more than two hundred thousand and less than seven hundred thousand, or in any six-director school district in a county having a population of more than seven hundred thousand the election authority in which the district is located shall conduct any or all school elections held in the district.

**162.371. Secretary to issue certificates.**—The secretary of the board of education, who shall record the certification of the results of the election and, by order of the board, shall issue certificates of election to the person entitled thereto; and the results of all other propositions submitted must be reported to the secretary of the board, and by him duly entered upon the district records.

**162.381. Conduct of special elections.**—All district special elections shall be conducted in accordance with section 162.371.

**162.421. Extension of city limits extends school district boundaries, exceptions—annexation of remainder of district.**—1. Except districts containing a city or a part of a city having more than seventy-five thousand inhabitants and districts in counties of the first class, the extension of the limits of any city or town beyond the boundaries of a six-director school district in which it is included shall automatically extend the boundaries of that district to the same extent, effective on the first day of July next following the extension of the limits of the city or town, and except in counties of the second class if the extension of the limits of the city or town includes territory contained in another six-director school district which maintains a high school, then the school district boundary lines shall not be enlarged to include territory in said six-director district by reason of the extension of the city or town limits.

2. Whenever, by reason of the extension of the limits of any city or town, a portion of the territory of any school district adjacent thereto is incorporated in a six-director district, the inhabitants of the remaining parts of the district have the right to be annexed to the six-director district. When such part of a school district desires to be so annexed, the question shall be submitted as provided in section 162.441, and if a majority of the votes cast favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the board of the six-director school district; whereupon the board of the six-director district shall meet and confirm the annexation by a proper resolution of record. When such part of a school district has no organization, any ten voters may call a meeting of the district and proceed as provided in section 162.441; and the secretary of the meeting shall certify, if the majority votes for annexation, to the board of directors of the six-director district, and the same action shall be taken as provided above.

**162.431. Boundary change—procedure—arbitration—compensation of arbitrators.**—1. When it is necessary to change the boundary lines between two six-director school districts ten percent of the voters in any district affected, as determined by the total vote cast for all candidates for election as members of the

board of education, divided by the number of members of the board of education elected at the last preceding election of such members, may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next municipal election.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one or more of the districts vote against the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by any one of the districts affected, or by a majority of the signers of the petition requesting a vote on the proposal. At the first meeting of the state board following the appeal a board of arbitration composed of three members, none of whom shall be a resident of any district affected, shall be appointed.

4. Within twenty days after notification of appointment the board of arbitration shall meet and consider the necessity for the proposed changes and shall decide whether the boundaries shall be changed as requested in the petition or be left unchanged, which decision shall be final. The decision by the board of arbitration shall be rendered not more than thirty days after the matter is referred to the board. The chairman of the board of arbitration shall transmit the decision to the secretary of each district affected who shall enter the same upon the records of his district and the boundaries shall thereafter be in accordance with the decision of the board of arbitration. The members of the board of arbitration shall be allowed a fee of twenty-five dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the petitioners should they institute the appeal.

**162.441. Annexation—procedure—form of ballot.**—1. If any school district which adjoins a six-director district, including urban districts, desires to be attached thereto for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters; except that in districts wholly, or partially, within cities having three hundred thousand to seven hundred thousand inhabitants, the petition seeking attachment to an adjoining district, or to any high school district in the county as hereinafter in this section provided, for school purposes shall be signed by at least ten percent of the voters of the districts.

2. The question shall be submitted in substantially the following form:

Shall the ..... school district be annexed to the ..... school district?

3. If a majority of the votes cast favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the board of the district to which annexation is proposed; whereupon the board of the six-director district to which annexation is proposed shall meet to consider the advisability of receiving the district and if a majority of all the members of the board favor annexation, the boundary lines of the six-director school district from that date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

4. Upon annexation, all property and money on hand belonging thereto shall

immediately pass into the possession of the board of the six-director school district.

5. If a majority of the votes cast are against annexation, the question shall not be submitted within two years after the previous submission.

6. Any school district may annex to any high school district in the county in the manner provided by this section if, prior to the time the question is submitted to the voters of the district, the annexation is approved in writing by the state board of education.

**162.451. Dissolution of district.**—Upon petition of at least one hundred voters of the district, filed with the board, the question of dissolving a six-director district shall be submitted to a vote of the voters at a municipal election and if two-thirds of the voters voting thereon vote in favor of dissolution, the district shall be dissolved and the same territory included in the district may be reorganized as provided by law.

**162.471. Board of directors—qualifications, terms, vacancies.**—The government and control of an urban school district is vested in a board of six directors, except that in urban districts containing the greater part of a city of more than three hundred thousand inhabitants the board shall be composed of nine directors. Each director shall be a voter of the district, who has resided within this state for one year next preceding his election or appointment and who is at least twenty-four years of age. All directors, except as herein provided, hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold his office until the next municipal election, when his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

**162.481. Biennial elections in urban districts—terms of directors—districts moving into urban class.**—1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Hereafter when a six-director district becomes an urban district, the directors of the prior six-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms

of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior six-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After six directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

**162.491. Directors may be nominated by petition, when.—1.** Directors for urban school districts, other than those districts containing the greater part of a city of over three hundred thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

**162.492. Director districts, candidates from districts and at large—terms—declaration of candidacy—vacancy, how filled (urban districts).—1.** In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants the terms of the members of the board of directors in office in 1967 shall continue until the end of the respective terms to which each of them has been elected to office and in each case thereafter until the next school election be held and until their successors, then elected, are duly qualified as provided in this section.

2. In each urban district designated in subsection 1, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 1969, divide the school district into six subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

3. School elections for the election of directors shall be held on municipal election days in each even-numbered year. At the election in 1970, one member of the board of directors shall be elected by the voters of each subdistrict. The six candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In addition to other qualifications prescribed by law, each member elected from a subdistrict must be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from one to six and the directors elected from subdistricts one, three and five shall hold office for terms of two years and until their suc-

cessors are elected and qualified, and the directors elected from subdistricts two, four and six shall hold office for terms of four years and until their successors are elected and qualified. Every two years thereafter a member of the board of directors shall be elected for a term of four years and until his successor is elected and qualified from each of the three subdistricts having a member on the board of directors whose term expires in that year. Those members of the board of directors who were in office in 1967 shall, when their terms of office expire, be succeeded by the members of the board of directors elected from subdistricts. In addition to the directors elected by the voters of each subdistrict, additional directors shall be elected at large by the voters of the entire school district as follows: In 1970 one director at large shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in alternative elections one director shall be elected for a four-year term and then two directors shall be elected for a four-year term, so that from and after the 1970 election the board of directors not including those members who were in office in 1967 shall consist of seven members until the 1974 election and thereafter the board shall consist of nine members. In those years in which one at-large director is to be elected each voter may vote for one candidate and the candidate receiving a plurality of votes cast shall be elected. In those years in which two at-large directors are to be elected each voter may vote for two candidates and the two receiving the largest number of votes cast shall be elected.

4. The six candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

5. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled, shall be elected.

6. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the time of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

7. The provisions of all sections relating to six-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

8. Vacancies which occur on the school board between the dates of election shall be filled by majority vote of the remaining members of the school board to serve until the time of the next regular school board election. Subdistrict director

vacancies shall be filled by appointment of a resident of the subdistrict in which the vacancy occurs.

**162.501. Secretary to issue certificates of election.**—The secretary of the board of directors shall lay the results before the board and record the same, and under the director of the board shall issue certificates of election to the parties entitled thereto.

**162.601. Election of board members—terms.**—There shall be elected at each municipal election in even numbered years four members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for six years, and until their successors are elected and qualified.

**162.603. Nomination—procedure.**—A separate nomination petition shall be filed for each candidate for the office of member of the board and shall be signed by at least one thousand voters of the school district and shall be filed in the office of the board of election commissioners of the city of St. Louis. The statement of candidacy, contained in the nomination petition, subscribed and sworn to by the candidate, shall contain a statement that to the best of the candidate's knowledge and belief the persons signing the petition were at the time of signing voters of the school district and that their respective residences are correctly stated thereon. The statement is in addition to the affidavit of the voter at the bottom of each sheet of petition. Within twenty-one days after the close of the period allowed for the filing of petitions of nomination, the board of election commissioners shall verify the petitions of nomination and certify the results to the respective candidates.

**162.825. Special district, procedure to establish.**—Whenever there is presented to the state board of education a petition signed by voters in each district in the proposed special district equal in number in each district to five percent of the number of votes cast for school board members in the last annual school election praying (a) that a special school district embracing the entire area described in the petition be organized for the education and training of handicapped and severely handicapped children and for vocational education purposes; and (b) that a proposal be submitted to the voters of the proposed district for the organization of the special school district, the state board of education, unless section 162.835 applies, shall, within thirty days of the receipt of said petition, direct the board of education of each school district comprising the proposed special district to cause the proposal to be submitted to the voters in each such district at the next municipal election or, if the next annual school election is more than sixty days away, cause the proposal to be submitted to the voters in each such district at a special election called in accordance with law on a date set by the state board of education. The election shall be conducted in each school district comprising the proposed special district in the manner provided by law for the conducting of school district elections generally in sections 162.351 and 162.601, unless a different procedure is specifically provided in sections 162.670 to 162.995.

**162.840. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be organized a special school district comprising the school districts of ..... (described by school district name and/or number), State of Missouri, for vocational education and for the education and training of handicapped and severely handicapped children, embracing the entire area of these

school districts, having the power to impose a property tax not to exceed the annual rate of twenty-five cents on each hundred dollars assessed valuation, and any additional tax that is approved hereafter by vote thereon, and to be known as "The Special School District of ....." as prayed for by a petition filed with State Board of Education on the ..... day of ....., 19.....

**162.845. Organization election results, how determined—election of directors, when.—1.** The results of the balloting at each polling place shall be certified and transmitted to the state board of education and to the board of education of each school district comprising the proposed special district, immediately upon tabulation following the closing of the polls. The proposal to organize the special school district, to carry, must receive a majority of the total number of votes cast thereon in the area comprising the proposed special district. The state board of education from the results so certified and attested shall determine whether the proposal for the organization of the special school district has received a majority of the votes cast and shall certify the results to the board of education of each school district comprising the proposed special district. If the certificate shows that the proposition to organize the school district has received a majority of the votes cast, the state board of education shall then declare the special school district organized.

2. If the proposal to organize the special district is approved, the state board of education shall, within thirty days of the date of approval, call an election in the special district at which the board of education of the special district shall be elected; provided, however, the date for such an election shall not be more than ninety days after the date of approval.

**162.860. Candidates for board, qualifications—filing for office, where.—**Candidates for membership on the board of education shall be citizens of the United States and voters of the proposed district who have resided within the state for one year next preceding the election and who are at least twenty-four years of age. All candidates shall file their declarations of candidacy with the secretary of the state board of education.

**162.865. Election at large, exception—election districts, how established—terms of office—redistricting committee—plan, effect of.—1.** The board members shall be elected at large unless the district has a population in excess of one hundred thousand. In such event, the state board of education, prior to calling the election, shall divide the area of the special school district into six election districts of equal population, taking into account insofar as possible the existing school district boundary lines, and the voters of each election district shall elect one board member who shall be a resident of the election district. If the board members are elected at large under this section, the six receiving the largest number of votes shall be elected and the two receiving the highest number of votes cast shall be elected for terms of three years each; the two receiving the next highest number of votes cast shall be elected for terms of two years each; and the two receiving the next highest number of votes cast shall be elected for terms of one year each. If board members are elected from election districts under this section, the state board of education, prior to the election, shall number the districts by lot, one to six, inclusive. Members elected from districts one and two shall serve for terms of three years; members elected from districts three and four shall serve for terms of two years; and members elected from districts five and six shall serve for one year. That part of the year between the date of the election of board members and the municipal election day of the following year is considered a full year in the terms of the members elected. All board members

shall serve until their successors are elected and qualified and the state board of education shall issue certificates of election to the board members elected.

2. In all special districts divided into election districts as provided in subsection 1 of this section, the board of education of the special district may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider redistricting the special school district. Upon adoption of any such resolution, the secretary of the board of education shall forward a certified copy thereof to the state board of education with a request that a redistricting committee be appointed in order to redistrict the special school district. The redistricting committee shall consist of three residents within the district, appointed by the board of education of the special district, plus three additional persons resident within the special district, appointed by the state board of education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan. Notwithstanding the above, the board of education shall, within ninety days following the publication of the decennial census figures, adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption, the redistricting committee shall forward a copy of the plan certified by the secretary of the redistricting committee to the state board of education for its approval or disapproval. The state board of education shall approve any redistricting plan which divides the special district into six election districts of equal population, taking into account insofar as possible existing school district boundary lines. Upon approval by the state board of education, the redistricting plan shall become effective and all board members elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. If a redistricting plan has not been adopted within one year after the publication of the decennial census figures, the members of the board of education shall run at large. No member of the redistricting committee shall serve on the board of education for a period of six years following his service on the redistricting committee.

**162.870. Results, how certified.**—The results shall be certified and transmitted to the state board of education and to the board of education of each school district comprising the special district, immediately upon tabulation following the closing of the polls. The state board of education, from the results so certified, shall determine the members elected to the board of education and shall issue certificates of election to the persons entitled thereto.

**162.910. Election of board members—term—declarations of candidacy.**—At the elections the voters of the special district shall elect, by ballot, two board members to succeed those whose terms have expired and the board members so elected shall hold office for terms of three years and until their successors have been elected and qualified and shall assume the duties of their offices at the first regular meeting of the board of education held after their election. If the board members are elected from election districts under section 162.865, then successors to those board members whose terms expire shall be elected at municipal elections by the voters resident in the election districts in which the board member whose term has expired was resident and the board members so elected shall hold office for terms of three years each and until their successors have been elected and qualified. Candidates shall file their declarations of candidacy



for office of board member with the secretary of the board of education of the special school district. A majority of the then qualified members of the board of education of the special school district shall certify the candidates receiving the greatest number of votes for terms of three years each and until their successors shall have been elected and qualified, and shall declare and certify the results of the vote cast on any question presented at the election.

**164.021. Excess levy, procedure.**—1. Whenever it becomes necessary, in the judgment of the school board of any school district in the state, to increase the tax rate beyond the rate authorized by the constitution for district purposes without voter approval plus the last tax rate approved by the voters for school purposes, or when voters of the district equal in number to ten percent or more of the number of votes cast for the member of the school board receiving the greatest number of votes cast at the last school election in the district wherein board members were elected, petition the board, in writing, for an increase in the tax rate, the board shall determine the rate of taxation necessary to be levied in excess of the existing rate and submit the proposition as to whether the rate of taxation shall be increased by the board to the voters of the district. The proposal may be submitted at an election.

2. If the necessary majority of the voters voting thereon, as required by article X, section 11(c), of the constitution, favor the proposed increase, the result of vote, including the rate of taxation so voted, shall be certified by the clerk of the district to the clerk of the court of the proper county or counties, who, on receipt thereof, shall assess the amount so certified, effective as of September twentieth next following, against all taxable property of the school district as provided by law. In metropolitan districts the certification shall be made by the secretary of the board as required by law.

**164.031. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall the school board of ..... (name of district) be authorized to increase the tax levy for ..... (list purpose or purposes) by ..... (amount of increase) on one hundred dollars assessed valuation. If this proposition is approved by the voters, the total operating levy of the school district will be ..... (amount) per one hundred dollars of assessed valuation.

**164.081. Levy of library building tax—vote required—rate and period of levy.**—The board of directors of any urban school district, in addition to other taxes it is authorized to levy for school purposes or library purposes, may levy a tax on all tangible taxable property subject to its taxing powers for the purchase of sites and for the erection, furnishing and maintenance of public library buildings and reading rooms, when authorized by approving vote of two-thirds of the voters of the district voting on the proposal as submitted by the board. The rate of the levy shall not exceed one and one-half cents on the one hundred dollars assessed valuation, and shall be submitted to be in effect annually for a period not in excess of five years, but nothing herein shall prevent the submission and approval of successive proposals for periods not in excess of five years each.

**164.091. Notice of election.**—Whenever the board of directors, by resolution adopted by vote of not less than two-thirds of the members of the board, determines that the additional levy, at a rate and for a period fixed in the resolution, is necessary or desirable, they shall cause notice to be given that the proposed levy will be submitted. The notice shall state the proposed rate of levy and the period for which it is proposed to be levied annually.

**164.101. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be levied an additional tax at the rate of ..... cents on the one hundred dollars assessed valuation for a period of ..... years for library building purposes?

**164.121. Purposes for which bonds may be issued in districts other than metropolitan and urban.**—1. The school board of any district other than a metropolitan or urban district may borrow money and issue bonds for the payment thereof for the following purposes:

- (1) Purchasing schoolhouse sites and other land for school purposes;
- (2) Erecting schoolhouses or library buildings;
- (3) Furnishing schoolhouses or library buildings;
- (4) Building additions to or repairing old buildings;
- (5) Purchasing school buses and other transportation equipment;
- (6) Paying off and discharging assessments made by counties, cities, towns and villages or other political subdivisions or public corporations of the state against the district in connection with the erection, construction and maintenance of sewers and sewer systems, sidewalks, guttering, curbing and paving of streets and alleys adjoining and abutting real estate of the district if the general funds of the district are insufficient in the judgment of the board to pay and discharge the assessment.

2. The question of any loan under this section shall be decided at an election.

**164.131. Purposes for which bonds may be issued in urban districts—notice to contain certain information.**—1. In urban districts, the board may borrow money and issue bonds for the payment thereof for the following purposes:

- (1) Purchasing sites for schoolhouses, public library buildings, art galleries, museums, janitors' houses, repair buildings and supply houses used in the operation and maintenance of schools and other land for school purposes;
- (2) Erecting schoolhouses, library buildings, art galleries, museums, janitors' houses, repair buildings, supply houses and other buildings used in the operation and maintenance of schools;
- (3) Building additions to, remodeling and reconstructing buildings existing at the time of making the loan;
- (4) Furnishing any building erected or reconstructed;
- (5) Purchasing school buses and other transportation equipment.

2. The question of the loan shall be decided at an election.

3. Notice of the submission of the question shall include the amount of the loan required, and for what purpose. The president and secretary shall sign the notices.

**164.141. Purposes for which bonds may be issued in metropolitan districts—notice to contain certain information.**—For the purpose of purchasing schoolhouse sites, erecting schoolhouses, library buildings and furnishing the same and building additions to, or repairing old buildings, the board of education in metropolitan districts may borrow money and issue bonds for the payment thereof in the manner herein provided. The question of the loan shall be decided at an election. Notice of the submission of the question shall include the amount of the loan required and for what purpose.

**164.151. Form of ballot in all districts—approval by two-thirds of voters required.**—The questions on bond issues in all districts shall be submitted in substantially the following form:

Shall the ..... board of education borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds for the payment thereof?

If two-thirds of the votes cast are for the loan the board may, subject to the restrictions of section 164.161, borrow money in the name of the district, to the amount and for the purpose specified in the notices aforesaid, and issue bonds of the district for the payment thereof.

**166.161. Election on proposal to distribute fund—annual apportionment of balance of fund—effect on state aid.—1.** The proposal shall be submitted to the voters of the county.

The question shall be submitted in substantially the following form:

Shall there be an annual distribution of the capital of the liquidated county school fund?

2. If the proposal to distribute annually the capital of the liquidated county school fund receives a majority of the votes cast, the body having control of the county school fund shall proceed thereafter to distribute annually the liquidated fund to the school districts. The accumulated balance of the fund shall be apportioned on or before August thirty-first, of each year, until the fund is liquidated and the apportionment shall be based upon the last enumeration on file in the office of the county clerk. When the capital of the liquidated county school fund is distributed to the school districts the fund shall not be counted as a deduction in calculating the equalization quota as defined in section 163.031, RSMo.

**167.231. Transportation of pupils by district, except metropolitan—petition, election—form of ballot.—1.** Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils living one mile or more from school. When the board of education deems it advisable, or when requested by a petition signed by ten percent of the voters in the district as determined by the number of voters casting votes in the last election for board members, to provide transportation to and from school at the expense of the district for pupils living more than one-half mile from school, the board shall submit the question to the voters of the district. If two-thirds of the voters voting on the question are in favor of providing the transportation, the board shall arrange and provide therefor.

2. Notwithstanding other provisions of law if the question to provide transportation at the expense of the district for pupils living more than one-half mile from school is presented to the voters, it shall provide for an increase in the tax rate in an amount sufficient to pay for such service. The question shall be submitted in substantially the following form:

Shall the board of education of the ..... school district provide transportation at the expense of the district for pupils living more than one-half mile from school and be authorized to levy an additional tax of ..... cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation services?

**177.031. Care of property and purchase of supplies—free use of buildings and grounds for public purpose.—1.** The school board has the care and keeping of all property belonging to the district, and shall provide the necessary globes, maps, charts, apparatus, supplementary books, and other material for the use of the school. The board shall keep the schoolhouses and other buildings in good repair, the grounds belonging thereto in good condition, and shall provide fuel, heating apparatus, and other material and appliances necessary for the proper heating,

lighting, ventilation and sanitation of the schoolhouses; shall have the floors swept and fires made at the expense of the district, and cause an accurate account of the expense thereof to be kept and a report and settlement to be made at the next annual meeting or as required by law.

2. The school board having charge of the schoolhouses, buildings and grounds appurtenant thereto may allow the free use of the houses, buildings and grounds for the free discussion of public questions or subjects of general public interest, for the meeting of organizations of citizens, and for any other civic, social and educational purpose that will not interfere with the prime purpose to which the houses, buildings and grounds are devoted. If an application is granted and the use of the houses, buildings, or grounds is permitted for the purposes aforesaid, the school board may provide, free of charge, heat, light and janitor service therein when necessary, and may make any other provisions, free of charge, needed for the convenient and comfortable use of the houses, buildings and grounds for such purposes, or the school boards may require the expenses to be paid by the organizations or persons who are allowed the use of the houses, buildings and grounds. All persons upon whose application or at whose request, the use of any schoolhouse, building, or part thereof or any grounds appurtenant thereto, is permitted as herein provided, shall be jointly and severally liable for any injury or damage thereto which directly results from the use, ordinary wear and tear excepted.

**178.800. Petition to establish district—election on proposal.**—Whenever a petition, signed by voters in each component school district within a proposed junior college district area, equal in number to five percent of the number of votes cast for the director receiving the greatest number of votes within each component school district at the last preceding school election in each school district at which a director was elected, is presented to the state board of education, praying that a junior college district be organized for the purpose of offering junior college (13th and 14th year) courses, if the state board of education determines that the area proposed to be included within the district meets the standards established by it under the provisions of sections 178.770 to 178.890, it shall order the submission of the question within the proposed district to vote on the question and to elect trustees, at the next following annual municipal election. The question shall be submitted in substantially the following form:

Shall there be organized within the area comprising the School Districts of ..... state of Missouri, a junior college district for the offering of 13th and 14th year courses, to be known as the Junior College District of ..... Missouri having the power to impose a property tax not to exceed the annual rate of ..... cents on the one hundred dollars assessed valuation of taxable property without voter approval and such additional taxes as may be approved by vote thereon, as prayed in petition filed with the State Board of Education at Jefferson City, Missouri, on the ..... day of ....., 19 ....?

Within fifteen days after the submission, the results shall be transmitted by those receiving them under law in each component district to the state board of education, by certificates attesting to the total number of votes cast within each district on the question the votes cast for and against the question and the votes cast for each candidate for trustee. The proposal to organize the junior college district, to carry, must receive a majority of the total number of votes cast thereon and the secretary of the state board of education, from the results so certified and attested, shall determine whether the proposal has received the majority of the votes cast thereon and shall certify the results to the state board of education. If the certificate of the secretary of the state board of education shows that

the question to organize the junior college district has received a majority of the votes cast thereon, the state board of education shall make an order declaring the junior college district organized and cause a copy thereof to be recorded in the office of recorder of deeds in each county in which a portion of the new district lies. If the question carries, the board shall also determine which candidates have been elected trustees under section 178.820. If the question to organize the district fails to receive a majority of the votes cast thereon, no tabulation shall be made to determine the candidates elected trustees.

**178.820. Trustees, election of—subdistricts—redistricting committees—trustee of subdistrict, residency requirements, qualifications.—1.** In the organization election, six trustees shall be elected at large throughout the entire proposed district. The two candidates receiving the greatest number of votes shall be elected for terms of six years each, the two receiving the next greatest number of votes for terms of four years each, the two receiving the next greatest number of votes for terms of two years each, and such terms shall be effective until the first Tuesday in April coinciding with or next following such period of years, or until the successors to such trustees have been duly elected and qualified. Thereafter, the trustees shall be elected for terms of six years each.

2. Following the initial election, the board of trustees may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider the formation of subdistricts within the junior college district from which trustees are thereafter to be elected. Upon adoption of any such resolution, the secretary of the board of trustees shall forward a certified copy thereof to the coordinating board for higher education with the request that a redistricting committee be appointed in order to divide the junior college districts into at least two and not more than six subdistricts for the purpose of electing trustees. The redistricting committee shall consist of three residents within the affected district, appointed by the board of trustees of the affected district, plus three additional persons residents within the affected district, appointed by the coordinating board for higher education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan specifying at least two but not more than six subdistricts which are to the extent possible so apportioned on the basis of population that the population of any such subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be selected therefrom. The redistricting plan referred to herein, in lieu of requiring all trustees to be elected from subdistricts, may provide for the election of one or more trustees at large and the remainder from subdistricts, or for the election of all the trustees at large with the requirement that each must reside in a certain subdistrict, so long as in any plan adopted, subdistricts are apportioned as provided above. Notwithstanding the above, the board of trustees of any junior college district which contains more than four hundred fifty thousand residents shall at the first duly called meeting following August 13, 1972, and thereafter within ninety days following the publication of the decennial census figures adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan specifying the establishment of not less than four nor more than six subdistricts compact and contiguous in territory and apportioned as provided above.

3. In any district which shall contain a city not within a county, if four subdistricts are established, then at least one subdistrict shall be within said city, and

if five or six subdistricts are established, then at least two subdistricts shall be within said city.

4. Any person running for election as a trustee of a subdistrict shall be domiciled and a resident therein. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption the redistricting committee shall forward a copy of the plan certified by the secretary to the coordinating board for higher education for its approval or disapproval. The coordinating board for higher education shall approve any redistricting plan in which the population of any subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be elected therefrom. Upon approval, the redistricting plan shall become effective and all trustees elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. Until approval of a plan by the coordinating board for higher education, trustees of a district shall continue to run at large. Upon approval of any plan, the board of trustees shall determine by resolution the assignment of trustees to subdistricts. Any such assignment shall not affect the term of office of any such trustee. Once a district has been divided into subdistricts in accordance with the provisions hereof, it shall remain so divided until one year following the publication of the decennial census figures, by which date a new plan shall have been adopted or the trustees shall again be required to run in the district at large; provided, however, that if during the period between publications of decennial census figures the area of a district is increased or decreased, a new plan shall be adopted within one year thereafter or the trustees shall be required to run in the district at large. No member of the redistricting committee shall serve on the board of trustees for a period of six years following his service on the redistricting committee.

5. Candidates for the office of trustee shall be citizens of the United States, at least twenty-one years of age, who have been voters of the district for at least one whole year preceding the election, and if trustees are elected other than at large they shall be voters of the subdistricts for at least one whole year next preceding the election. All candidates for the first board of a district shall file their declaration of candidacy with the coordinating board for higher education.

**178.840. Election, when held, how conducted—certification of votes cast.—1.** After organization, the voters of the junior college district shall vote for trustees and on all other propositions provided by law for submission at school elections which are applicable to junior college districts. Regular elections in junior college districts shall be held on municipal election days in the years in which trustees are to be elected or propositions must be voted upon.

2. If trustees are elected other than at large throughout the entire district, then only those voters within the subdistrict from which the trustee or trustees are to be elected shall cast their ballots for the trustee or trustees from that subdistrict. All candidates for the office of trustee shall file their declarations of candidacy with the secretary of the board of trustees.

3. A majority of the then qualified members of the board of trustees shall declare and certify the candidates receiving the greatest number of votes for terms of six years each and until their successors are elected and qualified and shall declare and certify the results of the votes cast on any question presented at the election.

**178.890. Annexation of school districts—new junior college district formed,**

when—refusal without cause of petition to annex, penalty.—1. If the area of an entire school district which adjoins a junior college district organized under sections 178.770 to 178.890 desires to be attached thereto and become a part of the junior college district it may do so in the manner provided for annexation under section 162.441, RSMo. If the area of an entire school district which adjoins a district offering a two-year college course under section 178.370 on October 13, 1961, and receiving aid under section 163.191, RSMo, desires to be attached thereto for junior college purposes only, the annexation shall be completed under section 162.441, RSMo, and upon the annexation, a special junior college district shall be established in the entire area as provided in sections 178.770 to 178.890, and notice thereof shall be given to the state board of education. The state board of education, within sixty days, shall call a special election for the election of trustees to be conducted in the manner provided in section 178.820.

2. If the board of trustees of the receiving district rejects the petition for annexation, the state board of education may be petitioned for a hearing and upon receipt of the petition the state board shall establish the time and place and proceed to a hearing. If the state board of education finds that refusal to honor the petition for annexation has been made without good cause, the state board in its discretion may withhold a portion or all of the state aid from the district which is payable under the provisions of section 163.191, RSMo.

**182.010. County library districts—petition—tax levy—notice—elections—election to increase levy.**—1. Whenever voters equal to five percent of the total vote cast for governor at the last election in any county, outside of the territory of all cities and towns in the county which at the time of election as hereinafter provided maintain and control free public and tax supported libraries pursuant to other provisions of this chapter except as provided in section 182.030, shall petition the county court in writing, asking that a county library district of the county, outside of the territory of all the aforesaid cities and towns, be established and be known as "..... county library district", and asking that an annual tax be levied for the purpose herein specified, and specifying in their petition a rate of taxation of not more than twenty-five cents for each one hundred dollars of assessed valuation, then the county court, if it finds the petition was signed by the requisite number of voters and verified in accordance with the provisions of section 126.040, RSMo, pertaining to initiative petitions, shall enter of record a brief recital of the petition, including a description of the proposed county library district, and of its finding; and shall order that the questions of the petition be submitted to the voters of the proposed county library district. The order of court and the notice shall specify the name of the county and the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be established a ..... county library district?

Shall there be a ..... tax for each one hundred dollars assessed valuation for a county library?

In case the boundary limits of any city or town hereinabove mentioned are not the same as the boundary limits of the school district of the city or town, and the school district embraces territory outside the boundary limits of the city or town and within the boundary limits of the proposed county library district, then all voters, otherwise qualified and residing in the school district, but outside the limits of the city or town and within the limits of the proposed county library district, shall be eligible to vote on the proposition, and may cast a vote thereon at the designated polling place within the county. The ballots shall be certified to county court as provided in section 179.020, RSMo.

3. In case the proposed tax is sought as an increased tax for the maintenance of a library already established hereunder, over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the submission of the question. The question shall be submitted in substantially the following form:

Shall there be a ..... tax increase over the present ..... tax for the county library?

If a majority of all the votes cast on the question are for the tax as submitted, the tax specified in the notice shall be levied and collected in the same manner as other county library taxes as provided in section 182.020, and shall be known as and become a part of the "county library fund" to be administered as provided in section 182.020.

**182.020. Levy and collection of tax—library fund—reconsideration of tax.—**

1. If, from returns of the submission of the question, the majority of all the votes cast are in favor of establishing a county library district and for the tax for a free county library, the county court shall enter of record a brief recital of the returns and that there has been established "..... county library district", and thereafter such "..... county library district", shall be considered established; and the tax specified in the notice, subject to the provisions of this section, shall be levied and collected, from year to year.

2. The proceeds of the levy, together with all interest accruing on same, with library fines, collections, bequests and donations in money shall be deposited in the treasury of the county and be known as the "county library fund", and be kept separate and apart from other moneys of the county, and disbursed by the county treasurer only upon the proper authenticated warrants of the county library board.

3. The tax may be reconsidered whenever the voters of any county library district shall so determine by a majority vote on such questions after petition, order of the court, and notice of the election and of the purpose thereof, first having been made, filed, and given, as in the case of establishing such county library district. At least five years must elapse after the county library district has been established and a tax therefor has been levied before a question to reconsider the tax may be submitted.

4. As used in sections 182.010 to 182.120, the words "county court" shall be construed to mean the proper court or official in any county operating under a special charter.

**182.030. Voters of municipal district may vote on establishing or inclusion in county district, when—effect.—**Whenever voters equal to five percent of the total vote cast for governor at the last election in an existing municipal library district within the geographical boundaries of a proposed or existing county library district shall petition in writing the county court to be included in the proposed or existing county library district, subject to the official approval of the existing county library board, the voters of the municipal library district shall be permitted to vote on the question for establishing or joining the county library district, and on the proposition for a tax levy for establishing and maintaining a free county library. If the question carries by a majority vote, the municipal library district shall become a part of the county library district at the beginning of the next fiscal year and the property within the municipal library district shall be liable to taxes levied for free county library purposes. If a majority of voters in the existing municipal library district oppose the county library district, the existing municipal library district shall continue.



**182.100. Tax for library building, election—duration, rate—building fund.**—Whenever, in any county library district which has decided or shall hereafter decide to establish and maintain a free county library under the provisions of sections 182.010 to 182.120, the county library board of trustees, by written resolution entered of record, deem it necessary that free county library buildings be erected in the county and voters equal to five percent of the total vote cast for governor at the last election of any county library district shall petition the county court in writing asking that an annual tax be levied at and as an increased rate of taxation for the library buildings and specify in their petition a rate of taxation not to exceed two mills on the dollar annually, and not to be levied for more than ten years on all taxable property in such county library district; then the county court, if it finds the petition was signed by the requisite number of voters, shall enter of record a brief recital of the petition, and of its finding, and shall order that the question of the petition be submitted to the voters of the county library district at an election. The order of court and the notice shall specify the rate of taxation mentioned in the petition. The question shall be submitted in substantially the following form:

Shall there be a ..... mill tax for the erection of a free county library building?

If the majority of the voters of the county library district voting on said question vote in favor of the tax, the tax specified in the notice shall be levied and collected in like manner with other taxes of the county library district, and shall be known as the "County Library Building Fund", and shall be subject to the exclusive control of the county library board of trustees and the fund shall be disbursed by the county treasurer only upon the properly authenticated warrants of the board, and be used for expenses incident to the erection and furnishing of the library building. The fund hereby provided for the erection of free county library buildings in such county shall be in addition to the tax levied for the establishment and maintenance of such county library.

**182.105. Issuance of bonds for building—limits—maturity—election—tax to pay.**—1. The county library board in any county library district may provide for the purchase of ground and for the erection of public library buildings, and for the improvement of existing buildings, and may provide for the payment of the same by the issue of bonds or otherwise, subject to the conditions and limitations set forth in this section.

2. No bonds shall be issued in an amount in excess of one percent of the value of taxable, tangible property in the county library district, as shown by the last completed assessment for for state and county purposes, nor shall such indebtedness be incurred unless it has been approved by the vote of two-thirds of the voters of the county library district voting on the question at a municipal election.

3. Before incurring any indebtedness as authorized in this section, the county library board shall provide for the collection of an annual tax on all taxable, tangible property in the county library district sufficient to pay the interest and principal of the indebtedness as they shall fall due and to retire the same within twenty years from the date contracted.

4. If, upon the returns from the election, which shall be certified to the county court, it appears that the question to incur or increase such indebtedness has been assented to by at least two-thirds of the voters voting on the question, the county court shall enter of record a brief recital of the returns and shall declare that the county library board may issue bonds of the county library district in a total amount not in excess of that authorized by the voters. The

bonds shall be issued, payable to bearer and in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear, bearing interest from date at a rate not exceeding six percent per annum, payable semiannually, and with interest coupons attached to conform to the face thereof. All bonds shall be signed by the chairman of the county library board, attested by the signature of the secretary, and each bond shall have impressed thereon the corporate seal of the county library district.

**182.140. Petition for library tax—rate—election—library fund—increase in rate, procedure—reconsideration.—1.** Whenever voters equal to five percent of the total vote cast for governor at the last election in any city now or hereafter containing more than four thousand and less than six hundred thousand inhabitants petition the mayor, common council or other proper governing body in writing asking that an annual tax be levied for the establishment and maintenance of a free public library in the city, and specify in their petition a rate of taxation of not more than twenty-five cents for each one hundred dollars of assessed valuation on all the taxable property in the city, the governing body shall direct that the question be submitted to the voters of the city at an election. The order of the governing body and the notice shall specify the name of the city and the rate of taxation mentioned in the petition. The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax for each one hundred dollars assessed valuation for a public library?

If, from returns of the election, the majority of all the votes cast on the question are in favor of the tax, the governing body shall enter of record a brief recital of the returns and that there has been established a public library and thereafter the free public library shall be established, and shall be a body corporate, and known as such.

2. The tax specified in the notice, subject to the provisions of this section, shall be levied and collected, from year to year, in like manner with other general taxes of the city. The proceeds of the levy, together with all interest accruing on same, with library fines, collections, bequests and donations in money shall be deposited in the city treasury and shall be known as the "city library fund", and shall be kept separate and apart from other moneys of the city, and disbursed by the proper city finance officer only upon properly authenticated warrants of the city library board of trustees.

3. In case the proposed tax is sought as an increased tax for the maintenance of a free public library already established over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the election.

The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax increase over the present ..... tax for the public library?

If a majority of all the votes cast on the question is for the tax submitted, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and shall be known as and become a part of the city library fund and be administered as provided in section 182.200.

4. The tax may be reconsidered whenever the voters of the city determine by a majority vote given at an election.

**182.150. Election on tax to establish and maintain library—procedure (cities over 600,000).—1.** In cities of six hundred thousand inhabitants or over when

one hundred voters of the city, or the library board of any free public library heretofore established in the city, petition in writing the mayor and council, or the mayor and board of aldermen, of the city asking that an annual tax be levied for the establishment, maintenance, rehabilitation or extension of a free public library, or for the maintenance, rehabilitation or extension of a free public library therefore established in the city, and specify in their petition a rate taxation not to exceed thirty cents for each one hundred dollars assessed valuation of all taxable property in the city, the mayor and council, or mayor and board of aldermen, shall submit the question at an election. The question shall be submitted in substantially the following form:

Shall there be a ..... tax for each one hundred dollars valuation for a public library?

2. In case the proposed tax is sought as an increased tax for the maintenance, rehabilitation or extension of a library already established, over a lesser tax rate theretofore voted and adopted, then the fact shall be recited in the petition and the notice for the election. The question shall be submitted in substantially the following form:

Shall there be a ..... tax increase over the present ..... tax per hundred dollars assessed valuation for the free public library?

3. If a majority of all the votes cast on the question is for the tax submitted, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and the proceeds of said tax shall be known as and become a part of the "library fund", to be administered as provided in section 182.440.

4. The tax shall cease or the tax rate thereof be decreased whenever the voters of the city determine by a majority vote on the question. The tax rate may be increased to but not to exceed the rate or limit as may be hereafter provided by law upon like petition, order of mayor and common council or board of aldermen, notice of election and the purpose thereof, and majority vote in favor of such increase as provided by this section to be made, given, filed and held as in the case of establishing the public library. Nothing contained in this section or done pursuant to its provisions shall be construed to waive or satisfy the duty of the general assembly under section 10 of article IX of the constitution of this state to grant aid to any free public library supported by the city, in such manner and in such amounts as may be provided by law. Any tax rate authorized hereunder may be levied in excess of the rates of taxation authorized by law for general municipal purposes, or for county purposes of the city of St. Louis, pursuant to section 11 of article X of the constitution of this state.

**182.260. Library building tax—duration, rate—election—building fund (cities 10,000 or over).—**Whenever in any city which has decided or shall hereafter decide to establish and maintain a free public library under the provisions of sections 182.140 to 182.301, voters equal to five percent of the total vote cast for governor at the last election in the city in writing petition the proper authorities, asking that an annual tax be levied as an increased rate of taxation for the erection of free public library buildings in the city, and specify in their petition a rate of taxation not to exceed two mills on the dollar annually, and not to be levied for more than ten years on all taxable property in the city, and the board of trustees of the free public library of the city deems it necessary that the library buildings be erected, and so express its opinion by resolution, then the question shall be submitted at an election. The order of the governing body and the notice shall specify the name of the city and the

rate of taxation mentioned in the petition. If a majority of the voters voting on the question vote in favor of the increased tax the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and shall be known as the "Library Building Fund."

**182.490. City library tax rate to be continued—construction of library laws.**—The current library tax rate being levied in any city in which there shall be a municipal library district pursuant to the provisions hereof shall continue to be levied by or for the benefit of the municipal library district, and all of the provisions of sections 182.010 to 182.460 shall apply to the municipal library districts established by section 182.480, except any such provision as may be inconsistent with, or repugnant to the provisions of sections 182.480 to 182.510. Any reference to a city library shall mean a municipal library district, and any reference to the area or territory of a city shall mean the area or territory in a municipal library district, it being the intention of the legislature that sections 182.010 to 182.460 as applied to the municipal library districts created by section 182.480 shall be construed in harmony with sections 182.480 to 182.510 as far as the same may be practicable.

**182.620. Consolidation—resolution—election—form of ballot—transfer of property.**—1. A consolidated public library district may be created by resolution, duly acted upon, by the governing boards of two or more county public library districts. After the districts have each resolved to form a consolidated public library district, they shall apply to the county courts or county chief executive officers of the county districts served by the districts being consolidated. Upon approval of the consolidation by the appropriate county courts or county executive officers, legal notice that the consolidated public library district has been created, and containing the names of the districts and members of the governing boards creating it, the names of the trustees of the consolidated public library district, the name of the consolidated public library district, the area to be served, the date of its creation and the location of its principal business office, shall be published in newspapers of general circulation in the county districts to be served by the consolidated public library district. Notice shall also be filed with the Missouri state library commission.

2. Whenever five percent of the voters of each of any two or more county library districts sign a petition, and file it with their appropriate county courts or county executive officers requesting submission of the question of permitting the county library districts to create a consolidated public library district under section 182.610, the county courts or county executive officers shall submit the question to the voters at an election. The total vote for governor at the last general election before the filing of the petition whereat a governor was elected shall be used to determine the number of voters necessary to sign the petition.

4. The question shall be submitted in substantially the following form:

Shall the ..... county public library district and the ..... county public library district be consolidated and the ..... public library district be created?

5. If a majority of the voters voting on the question vote for the question in each of the counties taken separately, it shall be deemed to have been adopted, but if it fails to receive a majority in any one or more of the counties, it shall be deemed to have failed. The board of election commissioners of each county shall canvass the certified abstracts and notify the presiding judge or county executive officer of each of the county courts of the results within twenty days of receipt of the certified abstracts.

6. Within thirty days following the notification of the election authority of

adoption of the question by a majority vote or within thirty days following the adoption of the resolution, the taxing authorities and the boards of trustees of the county library districts affected shall take appropriate action transferring all title and interest in all property, both real and personal, in the name of the county public library district to the board of trustees of the consolidated public library district. Upon the transfer of such title and interest, the property shall become the property of and subject to the exclusive control of the consolidated public library district.

**182.650. Rate of tax—election to increase rate—form of ballot.—1.** Whenever a consolidated public library district has been created it may levy a tax at a rate of not less than twenty cents on the one hundred dollars of assessed valuation of all taxable property in the districts to be served by the consolidated public library district; except that, any increase in the rate of taxation to be assessed shall, on resolution adopted by the board of trustees of the consolidated public library district, be submitted to the county court or county executive officers of the counties included within the district, to be submitted to the voters of the respective counties for approval.

2. The county courts or county executive officers, after receipt of the resolution pursuant to the provisions of this section, shall order that the proposed increase in the rate of taxation be submitted to the voters of the consolidated public library district at an election. The order of the court and the notice shall specify the name of the county and the rate of taxation mentioned in the petition.

3. The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax increase over the ..... cent tax per hundred dollars assessed valuation for the ..... consolidated public library district?

If a majority of all the votes cast on the question shall be for the tax increase as submitted, the increased tax specified in the notice shall be levied and collected in like manner with other county taxes and shall be paid and forwarded to the treasurer of the board of trustees of the consolidated public library district by the county collector.

4. If a majority of the votes cast on the question shall be against the tax rate as submitted, then the tax rate shall remain at the previously existing levy.

5. Whenever in any consolidated public library district which has decided to establish and maintain a free library in any district served under the provisions of sections 182.610 to 182.670, the consolidated public library district board of trustees, by written resolution entered of record, deem it necessary that free library buildings be erected in the district, it shall notify the county court or chief executive in writing asking that an annual tax be levied at and as an increased rate of taxation for the library buildings and specify in its resolution an additional rate of taxation of ..... cents on the hundred dollars annually, and not to be levied for more than ten years on all taxable property in such consolidated public library district; then the county court or county executive officer shall enter of record a brief recital of the resolution and shall order that the question be submitted to the voters of the consolidated public library district. The order of the court or county executive officer and notice shall specify the rate of taxation mentioned in the resolution. The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax for erection of library buildings?

If the majority of the voters of the county library district voting on the question, vote in favor of the tax, the tax specified in the notice shall be levied and

collected in like manner with other taxes of the county, and delivered to the treasurer of the board of trustees of the consolidated public library district, and shall be subject to the exclusive control of the consolidated public library district board of trustees and the fund shall be disbursed by the consolidated public library district treasurer only upon proper instrument of payment of the board, and be used for expenses incident to the erection and furnishing of the library buildings. The levy herein providing for the erection of library buildings shall be in addition to the tax levied for the establishment and maintenance of the consolidated public library district.

**182.655. Board may purchase land and erect buildings—bonds issued, when—election.**—1. The board of trustees of the consolidated public library district may provide for the purchase of ground and for the erection of public library buildings, and for the improvement of existing buildings, and for the furnishing of said buildings and may provide for the payment of the same by the issue of bonds or otherwise, subject to the conditions and limitations set forth in this section.

2. No bonds shall be issued in an amount in excess of the constitutional limitations of the value of taxable, tangible property in the consolidated public library district, as shown by the last completed assessment for state and county purposes, nor shall such indebtedness be incurred unless it has been approved by the vote of the constitutionally required percentage of the voters of the consolidated public library district voting on the question at a municipal election. The ballot for approval shall state in boldfaced type the tax rate necessary to retire the bonds as nearly accurate as may be.

3. The boards of trustees shall provide for the collection of an annual tax on all taxable, tangible property in the consolidated public library district sufficient to pay the interest and principal of the indebtedness as they shall fall due and to retire the same within twenty years from the date contracted.

4. If, upon the returns from the election, which shall be certified to the board of trustees of the district, it appears that the question to incur indebtedness has been assented to by the constitutionally required percentage of the voters voting on the question, the board of trustees shall enter of record a brief recital of the returns and shall declare that the consolidated public library district board of trustees may issue bonds of the consolidated public library district in a total amount not in excess of that authorized by the voters. The board shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of said bonds before the same are sold. The bonds shall be issued, payable to bearer and in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear, bearing interest from date at a rate not exceeding the rate allowable by law, payable semiannually, and with interest coupons attached to conform to the face thereof. All bonds shall be signed by the president of the board of trustees, attested by the signature of the treasurer, and each bond shall have impressed thereon the corporate seal of the consolidated public library district.

**182.660. May incorporate other public library districts—petition, notice—transfer of property, when.**—1. Any consolidated public library district created under sections 182.610 to 182.670 may enlarge the area it serves by incorporating in to it any county, city, municipal, school or public library district.

2. The board of trustees of a county, city, municipal, school or public library district may, by resolution duly acted upon, petition the board of trustees

of a consolidated public library district to become a part of and included in such consolidated public library district. The petitioning district may be admitted into the consolidated public library district upon majority vote of the board of trustees of the consolidated public library district at the prevailing tax rate of the consolidated district. Notice of inclusion of the petitioning district into the consolidated public library district shall be given to the governing authority of the district so included in accordance with the notice provisions set out in section 182.620.

3. Whenever five percent of the voters of a county, city, municipal, school or public library district shall petition in writing the governing authority of the district to be included in the consolidated public library district and upon written approval by majority vote of the board of trustees of the consolidated public library district, it shall be the duty of the governing authority to submit the question to the voters of the petitioning district at an election.

4. Upon admission of any petitioning district by majority vote of the board of trustees of the consolidated public library district or upon majority approval of the voters of any such district for inclusion in the consolidated public library district, the taxing authority and governing authority of the district shall take appropriate action to transfer, within sixty days following the approval or election, all title and interest in all property both real and personal in the name of the district, to the board of trustees of the consolidated public library district. Upon the transfer of the title and interest in the property, it shall become a part of the consolidated public library district.

5. If the tax levy for the district admitted is not at the same rate as that of the consolidated public library district or if there is no tax levied in the district for the support of public libraries, then at the beginning of the next taxing period a tax or taxes shall be levied in the district admitted to conform to and be the same as that levied in the consolidated public library district.

**184.368. Question to be submitted.**—For the purpose of incurring additional indebtedness as provided herein the board of the district shall submit the question to the voters of the district.

**184.370. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall the Metropolitan Zoological Park and Museum District on behalf of ..... (name of subdistrict) issue bonds in the amount of .....dollars for the purpose of .....?

**184.372. Bonds, when issued, form, limitations.**—Upon the result of such question being certified by the election authority respectively to the board and if the proposition to incur or increase such indebtedness be assented to by voters voting on the question as required by or hereafter may be required by section 26(b) of article VI of the Missouri constitution, the board may by resolution declare the results of the submission of the question and cause the bonds of such district to be issued, payable to the bearer, not exceeding the amount authorized, and in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear interest from the date at a rate not exceeding the highest rate of interest permitted by law payable semiannually which bonds shall have interest coupons attached to conform to the face thereof. All such bonds shall be signed by the chairman of the board, attested by the signature of the secretary, and each bond shall have impressed thereon the corporate seal of the district; provided, however, that whenever one thousand or more bonds are to be executed

as of the same date, the resolution pursuant to which such bonds are issued may direct that such bonds be executed by the facsimile signature of the chairman and secretary of the board. Such bonds may be negotiated and sold but in no case shall they be sold for less than par.

**190.015. Petition to form, contents.**—Whenever the creation of an ambulance district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast for governor in the proposed district in the next preceding gubernatorial election may file with the county clerk in which the territory or the greater part thereof is situated a petition requesting the creation thereof. In case the proposed district which shall be contiguous is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area is situated, and the judges of the county court of the county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than two million five hundred thousand dollars; and
- (6) A request that the question be submitted to the voters residing within the limits of the proposed ambulance district whether they will establish an ambulance district under the provisions of sections 190.005 to 190.085 to be known as "..... Ambulance District" for the purpose of establishing and maintaining an ambulance service.

**190.030. Sufficiency of petition, county court to determine.**—If the territory, petition and proceedings meet the requirements of section 190.005 to 190.085, the judges of the county court shall in and by the order finding and determining the sufficiency of the petition and that the territory meets the requirements of sections 190.005 to 190.085 and order the submission of the question.

**190.035. Notice of election, contents.**—Each notice shall state briefly the purpose of the election, setting forth the proposition to be voted upon and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed fifteen cents on the one hundred dollars valuation.

**190.040. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be organized in the counties of ....., state of Missouri, an ambulance district for the establishment and operation of an ambulance service to be located within the boundaries of said proposed district and having the power to impose a property tax not to exceed the annual rate of fifteen cents on the hundred dollars assessed valuation without voter approval, and such additional tax as may be approved hereafter by vote thereon, to be known as "..... Ambulance District" as prayed for by petition filed with the county clerk of ..... county, Missouri, on the ..... day of ....., 19 ....?

**190.045. Returns of election, where filed—effect of.**—The results of the submission of the question shall be entered upon the records of the court and a



certified copy thereof shall be filed with the county clerk of each other county in which the proposed district lies who shall cause the same to be spread upon the records of the county court. If the order shows that the question to organize the district received a majority of the votes cast, the order shall declare the district organized.

**190.050. Election districts, how established—election of directors, terms, qualifications—exception (excludes Jefferson County from having districts).—1.** After the ambulance district has been declared organized, the declaring county court, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which does not contain any part of a city of over four hundred fifty thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county court shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors, one from each district. The directors elected from districts one and four shall serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve until their successors are elected and qualified.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which does not contain any part of a city of over four hundred fifty thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of his term and his successor shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. Candidates for director of the ambulance district shall be citizens of the United States, voters of the ambulance district who have resided within the state for one year next preceding the election and who are at least twenty-one years of age. All candidates shall file their declarations of candidacy with the county court calling the election.

**190.065. Bonds, issuance of—election, form of ballot.—1.** For the purpose of purchasing any property or equipment necessary or incidental to the operation of an ambulance service, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be decided by the submission of the question ordered by the board of directors of the district.

2. The question shall be submitted in substantially the following form:

Shall the ..... ambulance district borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds for the payment thereof? If two-thirds of the votes cast are for the loan, the board shall, subject to the restrictions of subsection 3, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

3. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

**190.070. Annexation, petition for—hearing—election, form of ballot.**—A petition for annexation of land to an ambulance district shall be signed by not less than ten percent or fifty voters, whichever is fewer, residing within the territory therein described proposed for annexation and shall be filed with the county clerk of the county in which the district or the greater portion thereof is situated, and shall be addressed to the judges of the county court. A hearing shall be held thereon as nearly as possible as in the case of a formation petition. If upon the hearing the judges of the county court find that the petition is in compliance with the provisions of sections 190.005 to 190.085, they shall order the question to be submitted to the voters within the territory and within the district. The question shall be submitted in substantially the following form:

Shall ..... (description of territory) be annexed to the ..... ambulance district?

If a majority of the votes cast on the question in the district and in the territory described in the petition, respectively, are in favor of the annexation, the judges of the county court shall by order declare the territory annexed and shall describe the altered boundaries of the district.

**190.090. Consolidation of ambulance districts, procedure for—form of ballot—transition provisions for consolidation.**—1. Two or more organized ambulance districts may consolidate into one ambulance district, if the territory of the consolidated district is contiguous, by following the procedures set forth in this section.

2. If the consolidation of existing ambulance districts is desired, a number of voters residing in an existing ambulance district equal to ten percent of the vote cast for governor in the existing district in the next preceding gubernatorial election may file with the county clerk in which the territory or greater part of the proposed consolidated district is situated a petition requesting the consolidation of two or more existing ambulance districts. The petition shall be in the following form:

We, the undersigned voters of the ..... ambulance district do hereby petition that ..... existing ambulance districts be consolidated into one consolidated ambulance district.

3. An alternative procedure of consolidation may be followed, if the board of directors of the existing ambulance districts pass a resolution in the following form:

Be it resolved by the board of directors of the ambulance district that the ..... ambulance districts be consolidated into one consolidated ambulance district.

4. Upon the filing of a petition, or a resolution, with the county clerk from each of the ambulance districts proposed to be consolidated, the county clerk shall present the petition or resolution to the judges of the county court having jurisdiction who shall thereupon order the submission of the question to the voters of the districts. The filing of each of the petitions in the ambulance districts shall have occurred within a continuous twelve month period.

5. The notice shall set forth the names of the existing ambulance districts to be included in the consolidated district.

6. The question shall be submitted in substantially the following form:

Shall the existing ..... ambulance districts be consolidated into one ambulance district?

7. If the county court having jurisdiction finds that the question to consolidate the districts received a majority of votes cast the court shall make and enter its order declaring that the proposition passed.

8. Within thirty days after the district has been declared consolidated, the county court shall divide the district into six election districts and shall order an election to be held and conducted as provided in section 190.050 for the election of directors.

9. Within thirty days after the election of the initial board of directors of the district, the directors shall meet and the time and place of the first meeting of the board shall be designated by the county court. At the first meeting the newly elected board of directors shall choose a name for the consolidated district and shall notify the clerk of the county court of each county within which the consolidated district is located of the name of the consolidated district.

10. On the thirtieth day following the election of the board of directors, the existing ambulance districts shall cease to exist and the consolidated district shall assume all of the powers and duties exercised by those districts. All assets and obligations of the existing ambulance districts shall become assets and obligations of the consolidated district.

**198.210. Petition of voters for district, where filed, contents.**—Whenever the creation of a nursing home district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast for governor in the proposed district in the next preceding gubernatorial election, may file with the county clerk in which the territory or the greater part thereof is situated, a petition requesting the creation thereof. In case the proposed district which shall be contiguous is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area is situated, and the judges of the county court of the county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than two million five hundred thousand dollars, and

(6) A request that the question be submitted to the voters residing within the limits of the proposed nursing home district whether they will establish a nursing home district under sections 198.200 to 198.350, to be known as "....."

Nursing Home District" for the purpose of constructing and maintaining a public nursing home.

**198.240. If petition sufficient county court to order election.**—If the territory, petition and proceedings meet the requirements of sections 198.200 to 198.350, the judges of the county court shall in and by the order finding and determining the sufficiency of the petition and that the territory meets the requirements of sections 198.200 to 198.350 and shall order the question to be submitted to the voters of the proposed district.

**198.250. Notice of election, contents.**—Each notice shall state briefly the purpose of the election, setting forth the proposition to be voted upon and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by sections 198.200 to 198.350, and shall have the power to levy a property tax not to exceed fifteen cents on the one hundred dollars valuation.

**198.260. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be organized in the Counties of . . . . ., State of Missouri, a Nursing Home District for the establishment and operation of a nursing home to be located within the boundaries of said proposed district and having the power to impose a property tax not to exceed the annual rate of fifteen cents on the hundred dollars assessed valuation without voter approval, and such additional tax as may be approved hereafter by vote thereon, to be known as "..... Nursing Home District" as prayed for by petition filed with the County Clerk of ..... County, Missouri, on the ..... day of . . . . ., 19.....

**198.270. Results of election to be filed.**—The order determining and declaring results of the election shall be entered upon the records of the court and a certified copy thereof shall be filed with the county clerk of each other county in which the proposed district lies who shall cause the same to be spread upon the records of the county court. If the order shows that the question to organize the district received a majority of the votes cast, the order shall declare the district organized.

**198.280. Election districts—election of directors—terms—qualifications—declaration of candidacy.**—1. After the nursing home district has been declared organized, the declaring county court shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county court shall cause an election to be held in the nursing home district within ninety days after the order establishing the nursing home district to elect nursing home district directors. Each voter shall vote for six directors, one from each district. The director elected from district number one shall serve a term of one year, the director elected from district number two shall serve a term of two years, the director elected from district number three shall serve a term of three years, the director elected from district number four shall serve a term of four years, the director elected from district five shall serve a term of five years, and the director elected from district number six shall serve a term of six years; thereafter, the terms of all directors shall be six years. All directors shall serve until their successors are elected and qualified.

2. Candidates for director of the nursing home district shall be citizens of the United States, voters of the nursing home district who have resided within the state for one year next preceding the election and who are at least thirty

years of age. All candidates shall file their declarations of candidacy with the county court calling the election.

**198.310. Indebtedness for nursing home—election—ballot—limits—tax to pay.**

—1. For the purpose of purchasing nursing home district sites, erecting nursing homes and related facilities and furnishing the same, building additions to and repairing old buildings, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be submitted by an order of the board of directors of the district. Notice of the submission of the question, the amount and the purpose of the loan shall be given as provided in section 198.250.

2. The question shall be submitted in substantially the following form:

Shall the ..... nursing home district borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds in payment thereof? If two-thirds of the votes cast are for the loan, the board shall, subject to the restrictions of subsection 3, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

3. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract; when effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

**198.320. Annexation of territory to district—election.**—A petition for annexation of land to a nursing home district shall be signed by not less than ten percent or fifty voters, whichever is fewer, residing within the territory therein described proposed for annexation and shall be filed with the county clerk of the county in which the district or the greater portion thereof is situated, and shall be addressed to the judges of the county court. A hearing shall be held thereon as nearly as possible as in the case of a formation petition. If upon hearing, the judges in the county court find that the petition is in compliance with sections 198.200 to 198.350, they shall order the submission of the question to the voters to decide whether or not the proposed annexation shall take place. The question shall be submitted within the territory by the county court as is provided in section 198.250. The question shall be submitted in substantially the following form:

Shall (description of territory) be annexed to the ..... Nursing Home District?

If a majority of the votes cast on the question in the district and in the territory described in the petition respectively, are in favor of the annexation the judges of the county court shall by order declare the territory annexed and shall describe the altered boundaries of the district.

**199.080. Tuberculosis hospital districts, how formed.**—Whenever any county, part of any county, two or more counties contiguous with each other, city or cities not within a county, or such city and contiguous county or counties, desire to become incorporated as a tuberculosis hospital district, it may do so in the following manner, to wit:

(1) Five percent of the voters residing within such proposed tuberculosis hospital district may, in each county, part of a county, and city not within a county, in writing, petition, respectively, the county court of the county or counties and the municipal assembly of the city or cities not within a county, to cause to be submitted to the voters of such county, part of a county, counties, city or cities not within a county the question whether they will organize as a tuberculosis hospital district under sections 199.080 to 199.160.

(2) Such petition or petitions shall be addressed respectively to the county court of the county or counties and to the municipal assembly of the city or cities not within a county, in which said territory is situated, and shall contain a definite and clear description of the boundaries of the territory to be embraced in such district.

(3) In computing the five percent of the voters, only such signatures on said petition or petitions shall be counted as are accompanied by a statement of the place of residence of each petitioner.

(4) Upon the filing of such petition or petitions with the clerk or clerks of the county court of the county, the secretary or secretaries of the municipal assembly of the city or cities not within a county, it shall be the duty of the said court or courts and the municipal assembly of the city or cities not within a county to order the question to be submitted to the voters of the proposed district.

(5) If the majority of the votes cast on the question in each part of the said district, when the same lies in two or more counties or city and county, or if the majority of the votes in the said district where the same lies wholly within one county or city shall be in favor of the proposed tuberculosis district, such proposed district shall thenceforth be considered an organized tuberculosis hospital district under sections 199.080 to 199.160. The vote taken shall be certified to the secretary of the state in the same manner as are amendments to the constitution of the state of Missouri.

**204.280. Election called by county courts at direction of circuit court—costs, how taxed.—1.** The circuit court shall by order direct the county court of any county partially within the proposed district to submit to the voters of the proposed district the question of the organization and incorporation of the proposed common sewer district, with boundaries as determined by the commissioners and approved by the circuit court.

2. The county clerk of each county shall certify to the circuit court the results of the election in that portion of the proposed district within his county.

3. If the circuit court finds that a majority of the votes cast on the question in each county favored the incorporation of the proposed district, the court shall issue a decree incorporating the area described in the commissioners' report as a common sewer district. If the proposition is favored by a majority of those voting in the county containing the major portion of the district but not by a majority voting in the other county, the court shall change the boundaries to include only the area within the one county and shall decree the incorporation thereof.

4. If the question fails to receive a majority of the votes cast in the county containing the major portion of the proposed district, regardless of the results in the election in the other county, the court shall dismiss the petition and tax the costs of the proceedings and the election against the county which presented the petition.

**204.370. Bonds, issuance on four-sevenths vote.—1.** No common sewer district shall issue or deliver any bonds for the purpose of acquiring, constructing, improving or extending any sewerage system payable from the revenues to be de-

rived from the operation of the system unless a proposition to issue the bonds shall have received the assent of four-sevenths of the voters of the sewer district who shall vote on the question.

2. The question shall be submitted in substantially the following form:

Shall revenue bonds in the amount of ..... dollars for the purpose of ..... (acquiring, constructing, improving or extending the sewerage system) be issued by the ..... common sewer district?

**205.010. Petition of voters—maximum tax rate—submission of question.—**

Any county, subject to the provisions of the constitution of the state of Missouri, may establish, maintain, manage and operate a public health center in the following manner: Whenever the county court shall be presented with a petition signed by at least ten percent or more of the voters of the county, as determined by the number of votes cast for governor at the preceding general election, asking that an annual tax not in excess of ten cents on each one hundred dollars of the assessed valuation of property in the county, be levied for the establishment, maintenance, management and operation of a county health center and the maintenance of the personnel required for operation of the health center, the county court shall submit the question to the voters of the county at an election.

**205.020. Form of ballot—vote necessary to adopt.—**1. The question shall be submitted in substantially the following form:

Shall there be a maximum tax of ..... per hundred dollars assessed valuation for a county health center and the maintenance and operation of same?

2. If a two-thirds majority of the votes cast on the question shall vote in favor of such tax, the county court shall proceed to levy and collect such tax and deposit same in the county treasury to the credit of the health center fund and such fund shall be expended as hereinafter provided.

**205.031. Trustees, qualifications—appointment—terms.—**The county court shall appoint five trustees chosen from the citizens at large with reference to their fitness for such office, all voters of the county, not more than three of the trustees to be residents of the city, town or village in which the county health center is to be located, who shall constitute a board of trustees for said county health center.

2. The trustees shall hold their offices until the next following municipal election, when five health center trustees shall be elected who shall hold their offices, three for two years and two for four years. The county court shall by order of record specify the terms of said trustees.

3. At each subsequent municipal election the offices of the trustees whose terms of office are about to expire shall be filed by the election of health center trustees who each shall serve for a term of four years.

4. Any vacancy in the board of trustees occasioned by removal, resignation or otherwise shall be reported to the county court and be filled in like manner as original appointments, the appointee to hold office until the next following general election, when such vacancy shall be filled by election of a trustee to serve during the remainder of the term of his predecessor.

5. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for the health center, unless the same are purchased by competitive bidding.

**205.041. Trustees, election, ballot—vacancies, how filled.—**1. Each candidate for the office of health center trustee shall file with the county clerk an announcement of candidacy in writing. The announcement shall indicate whether the in-

dividual is a candidate for a full or an unexpired term of a named predecessor. No filing fee shall be required to be paid upon the filing of any announcement. If announcements of a sufficient number of trustees are not filed, the county court shall appoint such trustee or trustees as may be necessary to fill all vacancies on the board which result from the expiration of the term of any trustees and any such appointee shall serve until the next municipal election when a trustee shall be elected to fill the remainder of the unexpired term.

2. The ballots shall not contain any designation of the political party affiliation of any candidate for trustee. The ballots shall designate the number of trustees to be elected and shall state whether any of the trustees is to be elected for an unexpired term.

#### FOR HEALTH CENTER TRUSTEE

(Vote for .....)

- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....

#### FOR HEALTH CENTER TRUSTEE

(Vote for .....)

For unexpired term ending .....

- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....

3. The candidates receiving the highest number of votes for the offices of trustee to be filled shall be declared elected by the county court which shall issue commissions to the elected trustees.

**205.170. Board of trustees—tenure—vacancies.**—1. The county court shall appoint five trustees chosen from the citizens at large with reference to their fitness for such office, all residents of the county, not more than three of said trustees to be residents of the city, town or village in which said hospital is to be located, who shall constitute a board of trustees for said public hospital.

2. The said trustees shall hold their offices until the next following municipal election, when five hospital trustees shall be elected and hold their offices, three for two years and two for four years, and who shall by lot determine their respective terms.

3. At each subsequent municipal election the offices of the trustees whose terms of office are about to expire shall be filled by the election of hospital trustees who shall each serve for a term of four years.

4. Any vacancy in the board of trustees occasioned by removal, resignation or otherwise shall be reported to the county court and be filled in like manner as original appointments, the appointee to hold office until the next following municipal election, when such vacancy shall be filled by election of a trustee to serve during the remainder of the term of his predecessor.

5. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

**205.180. Election of trustees—ballot.**—1. Each candidate for the office of



hospital trustee shall file with the county clerk an announcement of candidacy in writing. The announcement shall indicate whether the individual is a candidate for a full or an unexpired term of a named predecessor. No filing fee shall be required to be paid upon the filing of any announcement. If announcements of a sufficient number of trustees are not filed, the county court shall appoint such trustee or trustees as may be necessary to fill all vacancies on the board which result from the expiration of the term of any trustee or trustees any appointee shall serve until the next general election when a trustee shall be elected to fill the remainder of the unexpired term.

2. The ballots shall not contain any designation of the political party affiliation of any candidate for trustees to be elected and shall state whether any of the trustees is to be elected for an unexpired term.

#### FOR HOSPITAL TRUSTEE

(Vote for .....)

- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....

#### FOR HOSPITAL TRUSTEE

For unexpired term ending .....

(Vote for .....)

- ☐ .....
- ☐ .....
- ☐ .....
- ☐ .....

3. The candidates whose names have been placed on the ballot by the county court pursuant to sections 205.170 and 205.180 and who receive the highest number of votes for the offices of trustee to be filled shall be declared elected by the county court which shall issue commissions to the elected trustees.

**205.460. Tax for hospital purposes—petition for election.**—When twenty-five percent of the voters in any township or townships in this state, forty percent of whom shall not live at the time they subscribe thereto within any town of said township or townships shall petition the county court of the county of which said township or townships is a part, asking that a tax not to exceed one-half of one cent on each dollar be levied for one year only and thereafter an annual tax not to exceed two mills on the dollar for the establishing, either by purchase or otherwise or leasing, equipping and maintaining a hospital at some place in such township or townships to be set forth in said petition, for the care and treatment of the sick and disabled therein, such county court shall submit the question to the voters at an election. The question shall be submitted in substantially the following form:

Shall there be a ..... tax for the first year and a ..... tax thereafter for a hospital?

The notice shall include the rate of taxation to be voted upon. If two-thirds of the voters of each township voting on said proposition shall vote for such tax, the said tax specified in such notice shall be levied and collected in like manner as other general taxes of said township or townships and be known as "hospital fund" and turned over by the collector of said tax to the treasurer of such hospital. The tax shall cease in case the voters in such township or townships by a

two-thirds vote of the total vote cast at a municipal election held therein shall so determine.

**205.470. County court to appoint board of trustees.**—When any such township or townships shall decide to establish and maintain a hospital under the provisions of sections 205.460 to 205.570, the county court of such county of which said township or townships is a part, shall appoint a board of six trustees for the same, chosen from the voters of such township or townships. Such trustees shall serve without compensation. Such trustees appointed under the provision of sections 205.460 to 205.570, shall hold office respectively for the term of two and four years as indicated and fixed in the order of the county court appointing them. Every two years thereafter three trustees shall be elected at the municipal election who shall hold their office for the term of four years and until their successors are elected.

**205.480. Vacancies, how filled.**—If a vacancy occurs in the office of director by death, resignation, refusal to serve, repeated neglect of duty or removal from the district of such hospital, the remaining trustees shall, before transacting any official business, appoint some suitable person to fill such vacancy; the person appointed shall serve until the next municipal election.

**205.972. Maximum tax—ballot form.**—1. The tax may not be levied to exceed twenty cents per each one hundred dollars assessed valuation therefor.

2. The question shall be submitted in substantially the following form:

#### OFFICIAL BALLOT

Shall ..... (name of county or city not within a county) establish (and) (or) maintain a sheltered workshop and residence facility for handicapped persons, and for which the county or city shall levy a tax of ..... (insert exact amount to be voted upon) cents per each one hundred dollars assessed valuation therefor:

**205.977. Petition, requirements of.**—1. Whenever eight percent of the voters of the county sign a petition and file it with the county court not less than forty-five days before the general election requesting the question of establishing a community mental health service be submitted to the voters, it is the duty of the county court to submit the proposition to the voters of the county at the next general election, or the governing body of the county may adopt a resolution to submit the question to a vote of the people at the next general election.

2. The total vote cast for governor in the county at the last general election in which a governor was elected shall determine the number of voters required for the petition.

**205.978. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall the ..... (name of county or counties) establish (and) (or) maintain a community mental health service for which the county court shall levy a tax not to exceed thirty cents per each one hundred dollars assessed valuation?

**205.982. Multicounty district, how formed.**—By a majority vote of the voters voting thereon in each county affected, any two or more contiguous counties, but not more than ten situated entirely within the geographic boundaries of a single state community mental health service area as set forth in the state plan for the construction of community mental health centers, may join to establish a community mental health district to provide services and treatment for residents

forming the district. The petition, call, and form of ballot on the proposition to establish these districts shall be governed by the provisions of sections 70.010 to 70.050 RSMo.

**206.020. Petition of voters for district, where filed, contents.**—Whenever the creation of a hospital district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast in the proposed district in the next preceding general election may file with the county clerk in which the territory or the greater part thereof is situated a petition requesting the creation thereof. In case the proposed district which shall be contiguous is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area is situated, and the judges of the county court of said county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than two million five hundred thousand dollars; and
- (6) A request that the question be submitted to the voters residing within the limits of the proposed hospital district whether they will establish a hospital district under this chapter to be known as "..... Hospital District" for the purpose of constructing and maintaining a public hospital.

**206.050. If petition sufficient county court to order election.**—If the territory, petition and proceedings meet the requirements of this chapter, the judges of the county court shall in and by the order finding and determining the sufficiency of the petition and that the territory meets the requirements of the chapter shall order the question to be submitted to the voters of the proposed district.

**206.060. Notice of election, contents.**—Each notice shall state briefly the purpose of the election, setting forth the question to be voted upon, form of ballot to be used and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by this chapter, and shall have the power to levy a property tax not to exceed fifteen cents on the one hundred dollars valuation.

**206.070. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be organized in the counties of ....., state of Missouri, a hospital district for the establishment and operation of a hospital to be located at ..... in ..... county, Missouri and having the power to impose a property tax not to exceed the annual rate of fifteen cents on the hundred dollars assessed valuation without voter approval, and such additional tax as may be approved hereafter by vote thereon to be known as "..... Hospital District," as prayed for by petition filed with the county clerk of ..... county, Missouri, on the ..... day of ..... 19 .....

**206.080. Results of election to be entered in county records.**—The county judges shall cause the order determining and declaring results of the election to be entered upon the records of the court and a certified copy thereof shall be filed with the county clerk of each other county in which the proposed district

lies who shall cause the same to be spread upon the records of the county court. If the order shows that the majority of the votes cast on the question are in favor thereof, the order shall declare the district organized.

**206.090. Election districts—election of directors—terms—qualifications—vacancies, how filled—declaration of candidacy.**—1. After the hospital district has been declared organized, the declaring county court shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county court shall cause an election to be held in the hospital district within ninety days after the order establishing the hospital district to elect hospital district directors. Each voter shall vote for six directors, one from each district. The director elected from district number one shall serve a term of one year, the director elected from district number two shall serve a term of two years, the director elected from district number three shall serve a term of three years, the director elected from district number four shall serve a term of four years, the director elected from district number five shall serve a term of five years, and the director elected from district number six shall serve a term of six years; thereafter, the terms of all directors shall be six years. All directors shall serve until their successors are elected and qualified. Any vacancy shall be filled by the remaining members of the board of directors who shall appoint a person to serve as director until the next municipal election.

2. Candidates for director of the hospital district shall be citizens of the United States, voters of the hospital district who have resided within the state for one year next preceding the election and who are at least thirty years of age. All candidates shall file their declaration of candidates with the county court calling the election for the organizational election, and for subsequent elections with the secretary of the board of directors of the district.

**206.120. Indebtedness for hospital—election—form of ballot—defeat of proposal, effect—limits—annual tax.**—1. For the purpose of purchasing hospital sites, erecting hospitals and related facilities and furnishing the same, building additions to and repairing old buildings, the board of directors may borrow money and issue bonds for the payment thereof in the manner provided herein. The question of the loan shall be submitted to the voters by an order of the board of directors of the district.

2. The question shall be submitted in substantially the following form:

Shall the ..... hospital district borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds in payment thereof? If the then constitutionally required majority of the votes cast are for the loan, the board shall, subject to the restrictions of subsection 4, be vested with the power to borrow money in the name of the district, to the amount and for the purposes specified on the ballot, and issue the bonds of the district for the payment thereof.

3. If less than the required majority of the votes cast are for the first loan submitted to the voters following the organization of the district, a second question for authority to borrow money may be submitted and if unsuccessful a third question may be submitted. If each of the first three questions submitted to the voters for authority to borrow money for the purposes of this section is defeated, or if no successful submission for such purpose is conducted within five years after the establishment of the district, then the district shall be immediately dissolved by order of the county court establishing it, and any funds remaining on hand and belonging to the district shall forthwith be paid pro rata to those taxpayers from whom they were collected; provided that in any district wherein a

hospital is in operation without having voted bonds, the provisions of this section as relating to dissolution shall not apply.

4. The loans authorized by this section shall not be contracted for a period longer than twenty years, and the entire amount of the loan shall at no time exceed, including the existing indebtedness of the district, in the aggregate ten percent of the value of taxable tangible property therein, as shown by the last completed assessment for state and county purposes, the rate of interest to be agreed upon by the parties, but in no case to exceed the highest legal rate allowed by contract. When effected, it shall be the duty of the directors to provide for the collection of an annual tax sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time the principal becomes due.

**206.130. Annexation of territory to district—election—form of ballot.**—A petition for annexation of land to a hospital district shall be signed by not less than ten percent or fifty voters, whichever is fewer, residing within the territory therein described proposed for annexation and shall be filed with the county clerk of the county in which the district or the greater portion thereof is situated, and shall be addressed to the judges of the county court. A hearing shall be held thereon as nearly as possible as in the case of a formation petition. If upon the hearing, the judges of the county court find that the petition is in compliance with this chapter, they shall order the question to be submitted. The question shall be submitted within the territory by the county court as is provided in section 206.060.

The question shall be submitted in substantially the following form:

Shall ..... (description of territory) be annexed to the ..... hospital district?

If a majority of the votes cast on the question in the district and in the territory described in the petition, respectively, are in favor of annexation, the judges of the county court shall by order declare the territory annexed and shall describe the altered boundaries of the district.

**210.330. Parental schools—order for election to authorize indebtedness.**—Whenever any number, not less than one hundred, of the voters of any such county, who are taxpayers therein, shall present to the county court of such county a petition, in writing, praying the county court authorize the submission of the question of authorizing the incurring of an indebtedness and issuing bonds therefor for the purpose of purchasing or leasing land and building thereon a place or places of detention for delinquent or dependent children, such county court, upon the presentation of such petition, may if it so determine, at a regular term thereof and by order of record of said court, adjudge it necessary for such county to incur an indebtedness and issue bonds therefor, for the purpose of purchasing the land and building such a place or places of detention, and such county court may, at the same term, order the question to be submitted. In said order there shall be recited the amount and purpose of the indebtedness proposed to be incurred, the length of time for which bonds shall be issued, the rate of interest, the rate of increase of the tax levy to pay the interest and provide a sinking fund to pay the bonds, and the day on which the question is to be submitted.

**210.340. Bonds, form of—duties in relation thereto.**—The denomination and conditions of the bonds, signatures thereto and attestation thereof, duties of the county treasurer thereto, the registration of said bonds, the disposition of the money arising from the sale of said bonds shall all be in form and manner as provided by law.

**210.350. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall there be debt incurred and bonds issued for the parental school?

**230.205. Alternative form effective, when—abolished how.**—1. The alternative county highway commission provided by sections 230.200 to 230.260 shall not become operative in any county unless adopted by a vote of the majority of the voters of the county voting upon the question at an election. All counties of this state which have adopted the alternative county highway commission may abolish it and return to the county highway commission provided for by sections 230.010 to 230.110 by submitting the question to a vote of the voters of the county in the manner provided by law.

2. Any county which does not adopt the alternative county highway commission provided by sections 230.200 to 230.260, or any county in which a majority of the voters of the county voting upon the question reject the alternative county highway commission provided by sections 230.200 to 230.260 shall retain the county highway commission provided by sections 230.010 to 230.110.

**230.210. Petition, where filed, contents—form of ballot.**—Upon petition filed in the office of the clerk of the county court, of voters equal to five percent of the vote cast for governor in the last preceding general election, requesting the adoption of the alternative county highway commission provided by sections 230.200 to 230.260, the county court shall, by order of record, submit the question of the adoption of the alternative county highway commission to a vote of the voters of the county at the next general election.

The question shall be submitted in substantially the following form:

Shall the alternative county highway commission be adopted in ..... county?

If a majority of the voters voting upon the question vote for its adoption, the alternative county highway commission shall be declared adopted. If a majority of the voters voting upon the question vote against the adoption of the alternative county highway commission, the county in which the election was held shall retain the county highway commission provided by sections 230.010 to 230.110.

**230.215. Clerk to certify returns.**—The clerk of the county court shall record the abstract at length upon the records of the county court of the county, and shall certify the abstract to the secretary of state.

**233.015. Adoption of special road district law—election.**—1. Section 233.010 to 233.165 shall be in force and take effect only in such prescribed territory as shall adopt the same by a majority of the voters who shall vote for and against its adoption at such election. Whenever fifty voters, who are voters of any such proposed special road district, shall file a petition with the county court of any county, asking the court to submit sections 233.010 to 233.165 to a vote of the people of such proposed road district for their adoption, the county court of such county shall make an order of record that sections 233.010 to 233.165, describing the same by its title and the date of its approval, be submitted to the voters of such proposed road district at an election.

2. If the majority of the votes cast for and against the adoption of sections 233.010 to 233.165 be for its adoption, the court shall declare the result of the vote thereon by an order of record, and shall make an order of record declaring sections 233.010 to 233.165 to be the law in such special road district, the same to take effect and be in force from and after a day to be named in such order within ten days.

**233.155. Extension of special district boundaries—procedure.**—1. Whenever the inhabitants of any special road district already formed under sections 233.010 to 233.165 shall desire to extend the boundaries of such district to take in territory not included in the original district, and shall present a petition to the county court of the county in which such district is located, or if the proposed district is to include portions of more than one county, then to the county courts of each of such counties, signed by not less than thirty-five voters in the old district and not less than fifty percent of the voters in the territory proposed to be taken into said district, asking the county court or courts of such county or counties to submit the proposition of the proposed extension of such road district to a vote of the people of such proposed district for their adoption or rejection, the county court of such county, or if the proposed district shall include parts of more than one county, the county courts of all such counties, shall each make an order of record that the proposed extension of said road district under the provisions of this section, describing the same by its title and the date of its approval, and describing the boundaries of the district as proposed to be extended, be submitted to the voters of such proposed road district.

2. The question shall be submitted in substantially the following form:

Shall the special road district be extended?

3. If the territory of more than one county be included in said special road district, the county court of each county in said district shall, as soon as the returns are in from said election, cause a certificate to be made out stating the number of votes cast for and against said proposition in said county, and cause such certificate to be filed with the county clerk of the county court of every other county which shall form a part of said special road district. If it shall appear from the returns of said county and from said certificate that a majority of the votes cast upon the proposition in the whole proposed district be in favor of the extension of said road district, the county court or county courts in said proposed district shall declare the result of the vote thereon in said proposed district by an order of record, and shall make an order of record that the above specified road district laws shall extend to and be the law in such special road district, including the extension thereof, setting out the boundaries of said district as extended, the same to take effect and be in force from and after a day to be named in such order, said day to be not more than twenty days after said election.

4. If any territory added to any such original district be in any county outside of the county of such original district, each county outside of such original district may appoint one road commissioner to act with the commissioners appointed in the county of the original district. Such commissioners so appointed outside of the county of the original district shall serve for a term of three years from the date of such appointment, and until their successors shall be appointed and qualified. Such commissioners shall be voters of such added territory in such county of their appointment. Except as herein provided, such commissioners shall be governed by sections 233.010 to 233.165. No change shall be made in the number of commissioners appointed by the county of the original district or in the manner of their appointment.

5. If a majority of the votes of the proposed district, as extended, be cast in favor of such extension, then the territory of such district, as extended, shall be governed by sections 233.010 to 233.165. But if such extension proposition shall not receive a majority of the votes of said district, as extended, then said special road district shall remain as it was before said petition was filed. Any special road district extended under the provisions of this

section may be extended so that after such extension it shall not be more than seventeen miles square.

**233.160. Dissolution of special road district—procedure.**—1. If any district has adopted the provisions of sections 233.010 to 233.165 the question may be resubmitted after the expiration of four years upon the petition of fifty voters of that district at an election.

3. The question shall be submitted in substantially the following form:

Shall the special road district be dissolved?

If a majority of the votes upon such proposition are against it, the district shall be disincorporated and the operation of the law shall cease in that district. In all other respects the election, and the results thereof, are governed by the provisions of sections 233.010 to 233.165.

**233.180. Commissioners, how selected.**—1. At the term of court in which such order is made, or at any subsequent term thereafter, the court shall appoint three commissioners, who shall be voters of the district and owners of land within the district, who shall hold their office until the second Tuesday in April thereafter. The voters of the district shall elect three commissioners, one of whom shall serve one year, one for two years and one for three years, and on municipal election days each year thereafter they shall elect a commissioner to take the place of the one whose term is about to expire, who shall serve three years.

2. No person shall be elected or appointed commissioner who is not a voter of the district. Any vacancy caused by resignation, death, removal from the district of a commissioner or sale of all land owned by him in the district shall be filled for the unexpired term by election by the voters of the district. All commissioners shall qualify by taking, subscribing and filing with the county clerk the oath prescribed by the constitution of this state, and that they will faithfully, honestly and impartially discharge their duties as commissioners according to law.

3. If for any reason the board of commissioners herein mentioned shall fail to call an annual or other prescribed election to fill a vacancy or vacancies caused by the expiration of the term of any one or more of the commissioners, then the county court is hereby authorized and required to call an election to fill said vacancy.

**233.200. Commissioners may issue bonds—election required—limitations—form of ballot.**—1. The commissioners of such districts so incorporated shall have power to issue road and bridge bonds for and on behalf of their respective districts, payable out of funds derived from taxation of all property taxable therein to an amount including existing indebtedness payable out of funds so derived not exceeding five percent of the assessed valuation of such property to be ascertained by the assessment next before the last assessment for state and county purposes. Such bonds to be issued in denominations of one hundred dollars, or some multiple thereof, to bear interest at not exceeding six percent per annum, payable semiannually, and to become due in not exceeding twenty years after the date of said bonds. Whenever the board of commissioners of any such road district propose to issue such bonds, they shall submit the question to the voters in the district.

2. The notice of election shall state the amount of bonds to be issued.

3. The results of the submission of the question shall be entered upon the records of the district. If it shall appear that two-thirds of the voters voting



on said question shall have voted in favor of the issue of said bonds, the commissioners shall order and direct the execution of the bonds for and on behalf of such district and provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to provide for the payment of the principal and interest of the bonds so authorized as they respectively become due. The question shall be submitted in substantially the following form:

Shall the ..... special road district of ..... county issue road and bridge bonds in the amount of ..... dollars?

4. The board of commissioners shall not sell said bonds for less than ninety-five percent of the par value thereof, and the proceeds shall be paid over to the county treasurer, and disbursed on warrants drawn by the president or vice president of the board of commissioners and attested by the secretary. The proceeds of the sale of such bonds shall be used for the purpose only of paying the cost of holding such election, and constructing, repairing and maintaining bridges and culverts within the district, and working, repairing, maintaining and dragging public roads within the district.

**233.290. Dissolution of road district—not to affect validity of bonds, levy or collection of special taxes.**—Whenever any owner of land within any road district organized under the provisions of sections 233.170 to 233.315 shall file with the county court of the county in which such district may be located a petition verified by an affidavit stating that such road district has no commissioners and has failed to elect commissioners or that such road district has ceased to perform the functions for which it was created, the county court shall cause five notices to be posted in conspicuous places in said district, giving notice of the filing of such petitions, and that unless cause be shown to the said court on a day to be named in said notices, not less than thirty nor more than sixty days from the time of posting such notices, why the said road district should not be dissolved, that the same will be dissolved; and if on the day named in such notices no party in interest shall appear and show that the said road district is performing the functions for which it was created or that it has commissioners or that good cause exists why the said road districts should not be dissolved, the county court shall, on the next court day make its order of record that such road district be dissolved; provided, that if any party in interest shall appear and show cause as herein provided, the county court shall proceed to hear evidence on the matter, and if it appears to the satisfaction of the court that no good cause exists why such road district should not be dissolved, it shall enter its order of record that such road district be dissolved, and if contrary appear, the said petition shall be dismissed; provided further, that nothing in sections 233.170 to 233.315 shall affect the validity of any bonds that may have been issued by such road district or affect the levy or collection of any special taxes that may have levied or assessed against any lands within such district; provided further, after the dissolution of any such special road district the land therein shall be divided into road districts under the provisions of sections 231.010 to 231.030, 231.050 to 231.100 and 137.555 to 137.575, RSMo, and any money that may be on hand to the credit of such special road district that shall not be needed to satisfy any liabilities of such special road district, shall, by order of the county court, be turned over to such new road districts in proportion to the number of acres allotted to each such new district.

**233.330. Commissioners, how selected—term—qualifications—vacancies, how filled.**—1. At the term of court in which such order is made, or at any subse-

quent term thereafter, the court shall appoint three commissioners, who shall be voters of the district who shall hold their office until the second Tuesday in April thereafter. The voters of the district, at an hour and place to be fixed by said commissioners, shall elect three commissioners, one of whom shall serve one year, one for two years, and one for three years, and on municipal election days each year thereafter they shall elect a commissioner to take the place of the one whose term is about to expire, who shall serve three years.

2. No person shall be elected or appointed commissioner who is not a voter of the district. Any vacancy caused by resignation, death, removal from the district of a commissioner or sale of all land owned by him in the district shall be filled for the unexpired term by appointment by the remaining commissioners of the district. All commissioners shall qualify by taking, subscribing and filing with the county clerk the oath prescribed by the constitution of this state, and that they will faithfully, honestly and impartially discharge their duties as commissioners according to law.

3. If for any reason the board of commissioners herein mentioned shall fail to call an annual election to fill a vacancy or vacancies caused by the expiration of the term of any one or more of the commissioners, then the county court is hereby authorized and required to call an election to fill said vacancy.

**233.345. Commissioners may issue bonds—election required—limitations—form of ballot.—1.** The commissioners of districts so incorporated shall have power to issue road and bridge bonds for and on behalf of their respective districts, payable out of funds derived from taxation of all property taxable therein, to an amount, including existing indebtedness payable out of funds so derived not exceeding five percent of the assessed valuation of such property to be ascertained by the assessment next before the last assessment for state and county purposes. Said bonds to be issued in denominations of one hundred dollars or some multiple thereof, to bear interest at not exceeding six percent per annum, payable semiannually, and to become due in not exceeding twenty years after the date of said bonds.

2. Whenever the board of commissioners of such road district propose to issue such bonds, they shall order the question to be submitted to the voters of the district. The notice of election shall state the amount of bonds to be issued.

3. The result of the submission of the question shall be entered upon the records of the district. If it shall appear that two-thirds of the voters voting on said question shall have voted in favor of the issue of said bonds, the commissioners shall order and direct the execution of the bonds for and on behalf of such district and provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to provide for the payment of the principal and interest of the bonds so authorized as they respectively become due.

The question shall be submitted in substantially the following form:

Shall the ..... special road district of ..... county issue bonds in the amount of ..... dollars?

4. The board of commissioners shall not sell said bonds for less than ninety-five percent of the par value thereof and the proceeds shall be paid over to the treasurer of the special road district and disbursed on warrants drawn by the president or vice president of the board of commissioners and attested by the secretary. The proceeds of the sale of such bonds shall be used for the purpose only of paying the cost of holding such election, and constructing, re-

pairing and maintaining bridges and culverts within the district, and working, repairing, maintaining and dragging public roads within the district.

**233.455. Election to be held, when—levy and collection of tax, procedure—applicability of other laws.—1.** Whenever the board of commissioners of any special road district proposes to issue bonds for road purposes, they shall order the submission of the question to the voters and whenever twenty voters of any township shall file with the clerk of the county court wherein the township is located a petition in writing asking that bonds for road purposes be issued for and on behalf of such township, it shall be the duty of the court to order the submission of the question to the voters.

2. The notice of election, in either case, shall state the amount of bonds to be issued.

3. The result of the submission of the question shall be entered upon the records of such court or the board of commissioners. If it shall appear that two-thirds of the voters voting on said question shall have voted in favor of the issuance of said bonds, the board of commissioners of the special road district, or the county court, as the case may be, shall order and direct the execution of the bonds for and on behalf of such special road district or township, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in said district or township sufficient to provide for the payment of the principal and interest of the bonds so authorized as they respectively become due.

4. It shall be the duty of the clerk of the board of commissioners on or before the first day of May in each year, or the state auditor immediately thereafter, in case the clerk of the board of commissioners should fail or neglect, on or before the first day of May of each year, so to do, to certify to the county court of the county, or counties, wherein such road district is situated, the amount of money that will be required during the next succeeding year to pay interest falling due on bonds issued and the principal of bonds maturing during such year.

5. On receipt of such certificate it shall be the duty of the county court, or courts, at the time it makes the levy for state, county, school and other taxes, to, by order made, levy such a rate of taxation upon the taxable property in the road district, in such county or counties, as will raise the sum of money required for the purposes aforesaid. On such order being made it shall be the duty of the clerk of the county court, or courts, to extend such rate of taxation upon the tax books, against all of the taxable property in the district in such county or counties, and the same shall be collected by the collector of the revenue at the time and in the manner, and by the same means as state, county, school and other taxes are collected.

6. At the time the county court is required to determine and levy the rate of taxation for state, county, school and other taxes, to determine, order and levy such a rate of taxation upon the taxable property in any township in such county as may have outstanding bonds issued under this section as will be sufficient to pay interest and principal falling due during the next succeeding year. It shall be the duty of the clerk of the court to extend upon the tax books of the county such rate of taxation upon and against all of the taxable property in such township, and when so extended the same shall be collected by the collector of the revenue at the time, in the manner, and by the means that state, county, school and other taxes are collected.

7. All the laws, rights and remedies of the state of Missouri for the collec-

tion of state, county, school and other taxes, shall be applicable to the collection of taxes herein authorized to be collected.

**233.460. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall the ..... special road district of ..... (Name district or township) of ..... county issue road bonds in the amount of ..... dollars?

**235.030. Petition for organization, contents.**—The organization of a district shall be initiated by a petition filed in the office of the clerk of the county court in the county in which the real property in the proposed district is situated. The petition shall be signed by one hundred voters of the proposed district. The petition shall set forth the following:

- (1) Proposed name of the street light maintenance district;
- (2) An estimated number of the inhabitants;
- (3) The assessed valuation of the taxable tangible property located in the district;
- (4) The estimated annual cost of the operation of the district;
- (5) A general description of the boundaries of the district or the territory to be included therein with such certainty as to enable a property owner to determine whether or not his property is within the district;
- (6) The names of three voters who shall constitute the first board of directors of the district, one to hold office until the first biennial election, one until two years and one until four years after such election;
- (7) Such other data and information as may be useful to the county court in determining the necessity for the organization of the district.

**235.040. Petition may be amended—filing fee.**—1. No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the county court may at any time permit the petition to be amended to conform with the facts, by correcting any errors in the description of the territory, or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district, revising the boundaries of the proposed district, or recommending another chosen name for the district, or recommending other voters for the first board of directors, may be filed at any time before a hearing is had on the petition, and shall, together with the first petition, be regarded as one petition, and shall be considered by the county court the same as though filed with the first petition placed on file.

2. There shall be filed with the petition, or petitions, a filing fee in the amount of one hundred dollars to be used by the county court to pay for publication notices in connection with the hearing and for the submission of the question.

**235.070. County court to declare district organized—election to ratify organization—board of directors, how selected.**—1. If it shall appear at the hearing that a petition for the organization of a district has been signed and presented, as provided in section 235.030, in conformity with this law, and that no protesting petition has been filed, or if one has been filed, that the facts adduced in behalf thereof at the hearing are insufficient to sustain such protesting petition, the county court shall, by order duly entered of record, declare the district organized, define the boundaries thereof, making such changes in the boundaries thereof, making such changes in the boundary line as set forth in the petition, if any, as the county court may deem proper, and give it a corporate name by which in all proceedings it shall thereafter be known, and thereupon the dis-

trict, subject to the election provided in this section, shall be a political subdivision of the state of Missouri and a body corporate with all the powers of like or similar corporations.

2. The order of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such order, and until it shall have been assented to by a majority vote of the voters of the district voting on the question. The county court shall order the submission of the question. The question shall be submitted in substantially the following form:

Shall a street light maintenance district, to be known as the ..... street light maintenance district, be incorporated?

3. If a majority of the voters of the district voting on such question shall have voted in favor of the question to incorporate the district, then the court shall enter its further order declaring the order of incorporation to be final and conclusive. In the event, however, that the court shall find that a majority of the voters voting thereon shall not have voted in favor of the question to incorporate the district, then the court shall enter its further order declaring said order of incorporation to be void and of no effect.

4. If the court enters an order declaring the order of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of said district from among the names of the voters who have been named in one or more petitions filed in said cause, one to hold office until the first biennial election of board members, and one until two years and one until four years after such election.

**235.140. Election of new board members, when.—**1. At the general election in the year after the first full calendar year after the organization of any district and at the general election thereafter, there shall be elected by the voters of the district one member of the board to serve for a term of six years. Nominations may be filed with the secretary of the board.

2. The candidates for board member shall be elected on a separate non-partisan ballot. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

**235.250. Dissolution of district, election for, when required—form of ballot.—**Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of this chapter shall have been filed with the county court setting forth all the relevant facts pertaining to said district, and alleging that the further operation of said district is inimicable to the best interests of the inhabitants of said district, and that said district should, in the interest of the public welfare and safety, be dissolved, said county court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question which shall be submitted to the voters of the district. The question shall be submitted in substantially the following form:

Shall the ..... street light maintenance district be dissolved?

**235.260. Dissolution of district, when—procedure.—**1. If the court shall find that it is to the best interest of the inhabitants of said district and that such district be dissolved, it shall make an order reciting the same and providing for the submission of the question to dissolve such district to a vote of the voters of the district. The question shall be submitted only at the time of the general

election at which a board member is elected. Returns of the submission of the question certified to the court.

2. If the court finds that a majority of the voters voting thereon shall have voted in favor of the question to dissolve said district, the court shall make a final order dissolving said district, and the order shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities theretofore incurred or necessary to the winding up of the district.

3. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the question to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though said petition asking for such dissolution had not been filed.

**247.040. Formation of public water supply district—procedure.**—1. Proceedings for the formation of a public water supply district shall be substantially as follows: A petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than fifty voters within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, or to the judge thereof in vacation, and such court or judge thereof shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The said notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of said circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter of the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes should be made in the boundary lines, it shall make such changes in the boundary line as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and said court shall thereupon enter its order canvassing said returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that said question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county court of the county or counties in which the district is situate.

8. The boundaries of any district thus formed may be extended or enlarged from time to time upon the filing with the clerk of the circuit court having jurisdiction, of a petition by the board of directors of the district and five or more voters within the territory proposed to be annexed to the district. Thereupon the same proceedings shall be had as are herein provided in the case of the filing of a petition for the organization of the district. And upon the entry of a final order declaring the court's decree of annexation to be final and conclusive the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable.

9. The costs incurred in the formation, enlargement or extension of the district shall be taxed to the district, if the district be incorporated, enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district; provided further, should any voter who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, he shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse his certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the said court to amend the boundaries of such district by a decree incorporating the said real estate in the same. A certified copy of this decree including said real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

**247.060. Board of directors—powers—qualifications—appointment—term.—**

The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided, who shall serve without pay. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year next before his election. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. The term of office of a member of the board shall be three years; provided, however, that the members of the first board of directors appointed by the circuit court shall serve for the respective terms designated by such court. Vacancies in offices of board members shall be filled for the unexpired term by the remaining members of the board; provided, should any vacancy occur more than six months prior to the expiration of the term in which no vacancy occurs, the board shall call a special election to fill the vacancy.

**247.130. Power of districts—bond—elections.—1.** Any district organized hereunder shall have power to borrow money for any of the purposes provided for in sections 247.010 to 247.220, and to issue bonds therefor. In such event the board of directors shall proceed substantially as follows: The board shall adopt a resolution, reciting the necessity for the borrowing of money, the amount of money necessary to be raised, the purposes thereof, and the amount and type or character of bonds to be issued. Such resolution shall also fix the date of an election to be held for the purpose of testing the sense of the voters of the district on the question of incurring such indebtedness and issue bonds in evidence thereof.

2. Such resolution may submit at such election a proposal to issue general obligation bonds or special obligation bonds, or both, but in no event shall the board of directors have authority to issue bonds unless at such election two-thirds



of the qualified voters of the district voting on any such proposition, shall assent thereto.

3. Districts organized under the provisions of sections 247.010 to 247.220 may issue either general obligation bonds or special obligation bonds, as herein defined; provided, however, that the type or character of bonds to be issued shall be determined by the board of directors in advance of calling the bond election and shall be stated in the notice of election as herein provided.

4. General obligation bonds, within the meaning of said sections, shall be bonds issued within the limitation of indebtedness prescribed under section 26 of article VI of the Constitution of Missouri, for the payment of which, both principal and interest, a direct tax may be levied upon all taxable property within the district. Before or at the time of issuing general obligation bonds, the board of directors shall provide for the collection of an annual tax, to be levied upon all taxable property within the district sufficient to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the date of such bonds; provided, however, that the net income and revenue arising from the operation of the waterworks system of such district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, shall be transferred to and become a part of the interest and sinking fund applicable to such general obligation bonds, unless or until such net revenues are pledged to the payment of special obligation bonds as herein provided.

5. Special obligation bonds, within the meaning of sections 247.010 to 247.220, shall be bonds payable, both as to principal and interest, wholly and only out of the net income and revenues arising from the operation of the waterworks system of any such district, after providing for costs of operation, maintenance, depreciation and necessary extensions and enlargements, and such bonds shall not be deemed to be indebtedness of any such district within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Before or at the time of issuing any such special obligation bonds, the board of directors shall pledge such net income and revenues to the payment of such bonds, both principal and interest, and shall covenant to fix, maintain and collect rates for water and water service supplied by such district so as to assure that such net income and revenues will be sufficient for the purposes herein required.

6. All bonds issued under the provisions of sections 247.010 to 247.220 shall be payable serially, beginning not more than five years after the date they bear; the last installment of any general obligation bonds so issued shall be payable not more than twenty years after such date and the last installment of any special obligation bonds so issued shall be payable not more than thirty-five years after such date. Such bonds shall bear such rate of interest, not exceeding six percent per annum, payable annually or semiannually, shall be payable at such place or places, within or without the state of Missouri, shall be executed by the president of the board of directors, attested by the clerk of said board, under the seal of the district, and shall be of such denomination and be payable in such medium of payment, all as the board of directors may determine; providing further, that should any bond issue fail to carry at an election held for that purpose, the board of directors shall have no power to call another election on the question of the issuance of bonds for a period of four months thereafter.

**247.170. Detachment of part of district included in city—procedure—election.—**

1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a

service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than twenty-five voters within the water supply district, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon, if the city has first agreed to the holding of the election. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the

public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.

**247.180. Elections in district, when.**—Regular elections shall be held annually on the first Tuesday after the first Monday in June, or, at the written request of the water supply boards involved and of the school district board involved, the election may be held in April at the same time as regular school elections. The written requests shall be by letter filed with the county clerk and signed by the presiding officer of the respective boards.

**247.215. District which purchases water may convey property to water company, procedure—election—liquidation of district.**—1. The board of directors of any public water supply district which is dependent upon purchases of water to supply its needs may sell and convey part or all of its water mains plant, real estate, or equipment to any water corporation as defined in section 386.020, RSMo, if all bonds of the district, whether general obligation bonds constituting a lien on the property within the district or special obligation or revenue bonds constituting a lien on the income and revenues arising from the operation of the water system:

(1) Are to be paid in full, or

(2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue thereon, together with all other items of expense incident to the payment of such bonds, shall be set aside from the proceeds of said sale and deposited with the fiscal agent named in the bonds for the purpose of full payment.

2. After the board of directors of any public water supply district has entered into a contract to sell part or all of its water mains, plant, real estate or equipment, pursuant to this section, an application shall be made by said board of directors to the circuit court which originally incorporated the district, which application shall set forth a copy of the contract entered into by the parties, and the facts concerning the bondholders and their rights, and requesting an order of the court approving or disapproving the contract.

3. Upon the filing of the application, the court shall set a time for the hearing thereof and shall order a public notice setting forth the nature of the application, a description of the property to be sold, and the time and place for the hearing, to be published for three weeks consecutively, in a newspaper of general circulation in the county in which the application is pending, the last publication to be not more than five days before the date set for the hearing.

4. If the court finds that the contract provides for the sale of all of the mains, plants, real estate and equipment of the district and protects the bondholders' rights, and also provides for the rendering of the necessary water service in the territory embracing the district, and is in the best interest of the residents and property owners of the district, it shall, by its decree, approve the contract and order dissolution of the district, provided that, such dissolution is assented to by a two-thirds majority of the voters of the district, voting on the question and provided further, that the dissolution of the district shall not become final until after all its debts have been paid and the disposition of funds of the district has been fully carried out as hereinafter provided to the satisfaction of the court, after which a final decree may be entered.

5. Such water supply district shall not be finally dissolved, upon the sale of all of its assets, until final liquidation thereof and until the trustees of the district have first paid to the collector of the county, or counties, in which the dis-

district is located all of its remaining funds which shall be applied pro rata toward the payment and satisfaction of the taxes of the resident and property owners of the district on their respective personal and real property tax bills for the next ensuing year or years. In the event that the sum of money so paid to the collector would amount to less than the equivalent of one cent reduction in the tax rate and thus impose upon the collector a cost burden in excess of the money so paid, then and in that event said funds shall be paid over to the treasurer of the various school districts having real estate within the said water supply district in the ratio that the assessed valuation of such school district bears to the whole assessed valuation of the water supply district.

**247.217. Consolidation, procedure, petition, notice—subdistricts, how formed—election—directors, terms, eligibility—property, how handled.—1.** Any two or more contiguous public water supply districts organized under the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a decree of the circuit court in which the district with the largest acreage was originally incorporated and organized.

2. Proceedings for consolidation of such districts shall be substantially as follows: The board of directors of each of the districts to be consolidated shall authorize by resolution, passed at a regular meeting or a special meeting called for such purpose, its president, on behalf of the district, to petition the circuit court having jurisdiction for consolidation with any one or more other contiguous public water supply districts.

3. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for a hearing thereon and the clerk shall given notice thereof in some newspaper of general circulation in each county in which each of the districts proposed to be consolidated is located. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....  
COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR  
CONSOLIDATION OF PUBLIC WATER SUPPLY  
DISTRICT NO. .... OF ..... COUNTY,  
MISSOURI, AND PUBLIC WATER SUPPLY DISTRICT  
NO. .... OF ..... COUNTY, MISSOURI  
(Additional districts may be named as required.)

To all voters within the boundaries of the above-described public water supply districts:

You are hereby notified:

1. That a petition has been filed in this court for the consolidation of the above-named public water supply districts into one public water supply district, as provided by law.

2. That a hearing on said petition will be held before this court on the .... day of ....., 19...., at ....., .....m.

3. Exceptions or objections to the consolidation of said districts may be made by any voters of any of such districts proposed to be consolidated, provided such exceptions or objections are filed in writing not less than five days prior to the date set for the hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

4. The notice shall be published in three consecutive issues of a weekly newspaper in each county in which any portion of any district proposed to be consolidated lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of any district proposed to be consolidated lies; the last insertion of such notice to be made not less than seven nor more than twenty-one days before the hearing.

5. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

6. Exceptions or objections to the consolidation of such districts may be made by any voter within the boundaries of the proposed district. The exceptions or objections shall be in writing and shall specify the grounds upon which the same are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration in passing upon the petition for consolidation and shall also consider the evidence in support of the petition. If the court finds that the consolidation will provide for the rendering of necessary water service in the districts, and is in the best interest of the voters of the district, it shall, by its decree approve such consolidation. The decree of consolidation shall set an effective date for the consolidation of the districts and shall provide that the proposed consolidated district shall be divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which subdistricts shall have approximately the same area and shall be numbered.

7. The decree of consolidation shall not become final and conclusive until it has been submitted to voters in each of the districts proposed to be included in the consolidated district.

8. If, upon canvass and declaration of the results, it is found and determined that the question has been assented to by a majority of the voters of each district voting on the question, the court shall issue its order declaring the results of the elections, declaring its previous decree of consolidation to be final and conclusive, and in addition, the decree shall provide for an election of a director from each of the subdistricts set forth in the decree of the court as specified in subsection 6. The terms of office for the directors elected at such election shall be as follows: The director elected from the subdistrict designated by the circuit court as number one shall serve until the next regular election, or until his successor has been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers two and three shall serve until the regular election following the next regular election or until their successors have been elected and qualified; those directors elected from the subdistricts designated by the circuit court as numbers four and five shall serve until the annual regular election following the next two regular elections, or until their successors have been elected and qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220. The election shall be held at least thirty days before the effective date of the consolidation. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction and the court shall thereupon enter its order naming the directors from each subdistrict.

9. The eligibility and requirements for a director for a consolidated district shall be identical with those set forth in section 247.060 and no two members of the board shall reside in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided he shall file a declaration of intention to become such a candidate with the clerk of the circuit court.

10. In its final decree, the court shall designate a name for the consolidated

district which shall be as follows: Consolidated Public Water Supply District No. .... of ..... County, Missouri.

11. On the effective date of the consolidation of the districts, the newly elected directors shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such provisions shall apply to consolidated public water supply districts in the same manner as to other public water supply districts.

12. At the time of the effective date of the consolidation, all the property of the original districts shall be combined and administered as one unit, which shall be subject to the liens, liabilities and obligations of the original districts, provided that if any district included in the consolidated district has issued general obligation bonds which are outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only upon the property within the original district issuing the bonds as it existed on the date of such issuance. All special obligation or revenue bonds issued by any district included in the consolidated district shall be paid in accordance with the terms thereof, without preference, from the revenue received by the consolidated district.

**247.220. Dissolution of district—procedure—election—disposition of property and debts.**—Any district organized under sections 247.010 to 247.220 may be dissolved by a decree of the circuit court in which the district was originally organized, pursuant to petition therefor signed by not less than fifty voters within the district, and provided such dissolution is assented to by a majority of two-thirds of the voters of the district voting on the question. No district shall be dissolved until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the property of the district.

**247.260. Organization of district, procedure.**—The organization of a metropolitan water supply district shall be initiated by a petition filed in the office of the clerk of the circuit court vested with jurisdiction as provided in sections 247.230 to 247.670. The petition shall be signed by one hundred voters of the district.

**247.270. Contents of petition.**—The petition shall set forth:

(1) The name of the proposed district consisting of a chosen name preceding the words "metropolitan water supply district";

(2) An estimate of the number of inhabitants and of the assessed valuation of the taxable tangible property of the district;

(3) A description of and an estimate of the cost of the proposed improvements;

(4) A suggested maximum rate of tax levy for general operating purposes not to exceed twenty-five cents on the one hundred dollar valuation;

(5) A general description of the boundaries of the district or territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district;

(6) A list of the public water supply districts, cities, towns, villages and other political subdivisions within the bounds of the proposed district, an estimate of the number of water customers of such units and an estimate of the water consumption of said customers;

(7) The names of five voters of the district who shall constitute the first board of directors of the district;

(8) Such other data and information as may be useful to the court in determining the necessity for the organization of the district.

**247.310. Petition—effect of defect—amendment—supplemental petition.**—No petition with the requisite signatures shall be declared null and void on account

of alleged defects, but the court may at any time permit the petition to be amended to conform with the facts by correcting any errors in the description of the territory, or in any other particular, except that the boundaries of the district may not be enlarged by taking in additional territory, without notice to the voters thus affected, which notice may be made by publication or service of such pleadings and orders. Similar petitions or duplicate copies of the same petition for the organization of the same district, revising the boundaries of the proposed districts, or recommending another chosen name for the district or recommending other voters for the first board of directors, or recommending a different maximum rate of levy for general operating purposes may be filed at any time before a hearing is had on the petition, and shall, together with the first petition, be regarded as one petition, and shall be considered by the court the same as though filed with the first petition placed on file.

**247.320. Protesting petition, where filed, contents.**—Any time after the filing of a petition for the organization of a district and before the day fixed for the hearing thereon, a petition may be filed in the office of the circuit clerk, wherein the petition for the organization of such district is pending, protesting against the creation of the proposed district. Such protesting petition shall be signed and filed by or on behalf of one or more voters of the district, and shall recite wherein the incorporation of the district will not promote the purposes as set forth in the original petition, or wherein sufficient facts have not been related to justify the incorporation of such district, and any other facts which may be useful to the court in determining whether or not such original petition shall be allowed.

**247.350. Election to approve incorporation—procedure, form of ballot—rate of tax—directors.**—1. The decree of incorporation shall not become final and conclusive until it shall have been submitted to voters of the proposed district and until it shall have been assented to by a majority vote of the voters of the district voting on the question.

2. The decree shall provide for the submission of the question of incorporating such districts and to vote on the maximum rate of levy for general operating purposes if such maximum rate shall exceed fifteen cents on the one hundred dollar valuation of the district, shall fix the date for holding such election.

3. The question of incorporating the district shall be submitted in substantially the following form:

Shall there be incorporated a .....metropolitan water supply district?

4. Any question to determine the maximum rate of levy for general operation purposes in excess of fifteen cents on the one hundred dollars valuation shall be submitted in substantially the following form:

Shall the ..... metropolitan water supply district be authorized to levy a tax not exceeding ..... cents per one hundred dollars assessed valuation for general operating purposes?

6. The return shall be certified to the circuit court having jurisdiction in the cause, and said court shall thereupon enter its order canvassing said returns and declaring the result of such election. If upon such canvass and declaration it is found and determined that a majority of the voters of the district voting on the question shall have voted in favor of the question, the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court shall find the majority shall not have voted in favor of the question the court shall enter its further order declaring said decree of incorporation to be void and of no effect.

7. If the court enters an order declaring the decree of incorporation to be

final and conclusive, it shall at the same time designate the first board of directors of said district from among the names of the voters who have been named in one or more petitions filed in said cause. The court shall designate and the decree shall contain the appointment of two of such directors to serve for a term ending three years after the next succeeding second Tuesday in April, two of such directors to serve for a term ending three years after the next succeeding second Tuesday in April, two of such directors to serve for a term ending two years after the next succeeding second Tuesday in April, and one of such directors to serve for a term ending one year after the next succeeding second Tuesday in April. The directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section 247.430.

8. The court shall at the same time enter an order or record declaring the result of the submission of the question to determine the maximum rate of levy of the district, and shall set forth the amount beyond which the board shall not thereafter have power to order a levy except as otherwise provided in section 247.460 and which levy in no event shall exceed the sum of twenty-five cents on the one hundred dollar assessed valuation.

**247.430. Election of directors.**—On the expiration of terms of members of the first board of directors as set forth in section 247.350, elections shall be held as provided herein and directors elected by the voters of the district for a term of three years. Nominations may be filed with the secretary of the board. The candidates for the board members shall be elected on a nonpartisan ballot. The candidates receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

**247.460. Levy, how made—limitations on levy.**—To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, which rate of levy shall not exceed fifteen cents on the one hundred dollars valuation unless approved by a vote of a majority of the voters of the district voting as provided herein, and which, in any event, shall not exceed twenty-five cents on the one hundred dollars valuation; and in addition thereto, shall make a levy to promptly pay in full when due all interest on and principal of general obligations of the district; and in the event of accruing defaults or deficiencies, an additional levy may be made as provided herein.

**247.470. Certification of levy to county court—election on increased rate.**—

1. On or before the first day of May of each year, the board shall certify to the county court of the county within which the district is located a rate of levy so fixed by the board as provided by law, with directions that at the time and in the manner required by law for levy of taxes for county purposes such county court shall levy a tax at the rate so fixed and determined upon the assessed valuation of all the taxable tangible property within the district, in addition to such other taxes as may be levied by such county court.

2. If the board thereafter in any year fixes and determines by resolution of the board a rate of levy in excess of fifteen cents per one hundred dollars valuation or of the rate approved by a vote of the majority of the voters of the district



voting thereon, as provided herein for general purposes, then the board shall order the submission of the question of levying a tax rate in such increased amount to the voters of the district in the same manner so far as practicable as is provided for the submission of the question to create a bonded indebtedness. Such resolution of the board shall also fix the date upon which the election is to be held.

The question shall be submitted in substantially the following form:

Shall the ..... metropolitan water supply district be authorized to levy an annual rate of taxation not exceeding ..... cents per one hundred dollars assessed valuation for general operating purposes?

**247.480. Approval of rate at election—certification.**—If it shall appear to the board from the returns that a majority of the voters voting thereon shall have voted in favor of such question, the board shall, on or before the first day of May and each year thereafter, certify to the county court as provided in section 247.470 a rate of levy for general purposes of the district, which shall not be in excess of the rate so approved by the voters of the district as herein provided. If it shall appear to the board from the results that a majority of the voters voting thereon shall not have voted in favor of such question, then the board shall certify to the county court at such time a rate not in excess of that previously approved by a vote of the majority of the voters of the district voting thereon, or not exceeding fifteen cents on one hundred dollars valuation, whichever is higher.

**247.550. District may borrow money—procedure.**—1. Any district organized hereunder shall have power to borrow money for any of the purposes provided for in sections 247.230 to 247.670, and to issue bonds therefor. In such event the board of directors shall proceed substantially as follows:

(1) The board shall adopt a resolution reciting the necessity for the borrowing of money, the amount of money necessary to be raised, the purposes thereof, the amount and type or character of bonds to be issued.

(2) Such resolution shall also fix the date of an election to be held for the purpose of testing the sense of the voters of the district on the question to borrow money and issue bonds in evidence thereof.

(3) Such resolution may submit at such election a proposal to issue general obligation bonds or special revenue obligation bonds, or both. Districts organized under the provisions of sections 247.230 to 247.670 may issue either general obligation bonds or special revenue obligation bonds provided that the type or character of bonds to be issued shall be determined by the board of directors in advance of calling the bond election and shall be stated in the notice of election as herein provided.

2. If the question is to issue general obligation bonds it must be assented to by two-thirds of the voters of the district voting on the question if the question is to issue special revenue obligation bonds, it must be assented to by four-sevenths of the voters on the question.

**247.600. Elections in district.**—1. Regular elections shall be held on municipal election days.

2. Returns of elections, except as herein otherwise provided, shall be made to the board of directors, shall be canvassed by said board, and the results spread upon the records of the district.

**247.620. Petition for dissolution of district, contents, where filed—submission of question.**—Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of sections 247.230 to 247.670 shall have been filed with the circuit court having jurisdiction over said district, setting

forth all relevant facts pertaining to said district, and alleging that the further operation of said district is inimicable to the best interests of the inhabitants of said district, and that said district should, in the interest of the public welfare and safety, be dissolved, said circuit court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question, which shall be submitted in substantially the following form:

Shall the ..... metropolitan water supply district be dissolved?

**247.630. Election of question of dissolution—effect—procedure if question approved.**—1. If the court shall find that it is to the best interest of the inhabitants of said district that such district be dissolved, it shall make an order reciting the same and providing for the submission of the question to the voters of the district.

2. Such election may be held only on municipal election days. Returns of said election shall be canvassed and certified to the court.

3. If the court finds that two-thirds of the voters voting thereon shall have voted in favor of the question to dissolve said district, the court shall make a final order dissolving said district, and the decree shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities theretofore incurred, or necessary to the winding up of the district.

4. If the court shall find that two-thirds of the voters of the district voting thereon shall not have voted favorably on the question to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the said district shall continue to operate in the same manner as though said petition asking for such dissolution had not been filed.

**248.040. Election on organization of sanitary district.**—1. It shall then be the duty of said mayor and county court or courts to submit to the voters of the proposed district the question of the organization and incorporation of the proposed sanitary district, with boundaries as determined by the said commissioners and approved by the said court or courts, at an election.

2. The returns of the vote, certified to under oath by those who receive and count the vote, shall be made to the secretary of state of the state of Missouri, who shall ascertain and declare the result.

3. The question shall be submitted in substantially the following form:

Shall a sanitary drainage district be organized and incorporated?

If a majority of the votes cast shall be in favor of organization of the district, such proposed district shall thenceforth be deemed an organized sanitary district under this chapter.

**249.010. Sewer district organization—petition for.**—Whenever the construction and maintenance of a system of sewers or the use of existing sewers for any contiguous area in the state of Missouri shall become necessary for the preservation of the public health or public welfare or will be of public utility or benefit, if any such area shall lie within any county in the state of Missouri, now or hereafter having a population of not less than seven hundred thousand nor more than one million inhabitants, the area may be established and incorporated as a sewer district under sections 249.010 to 249.420 in the manner following: Twenty-five or more voters residing within the area may file with the circuit court having jurisdiction, a petition setting forth therein the reason or necessity for a sewer system; the boundary lines of the proposed district; the type and/or kind of

sewers; the name of the proposed district, and the number of years the district is to continue; a request for the appointment of a sanitary engineer with duties as herein provided; and take any further action necessary to determine the question whether the area may be organized and incorporated as a sewer district under sections 249.010 to 249.420. There shall be filed with the petition a bond in a sum to be determined by the court but in no event more than five hundred dollars payable to the state of Missouri signed by one or more of the petitioners with good and sufficient surety or sureties to be approved by the court, conditioned for the payments of costs and expenses.

**249.070. Election on incorporation—notice.**—1. After the incorporation of the district aforesaid it shall be the duty of the court to order the election authority to call and hold an election; said election to be called and held in the manner herein provided, at which election the voters residing within the sewer district, may vote for three persons who shall form the board of trustees for said district as herein provided.

2. In the order of such election the court shall also provide for submitting at such election a proposition to incur indebtedness by the district in an amount not greater than the estimate of the cost of constructing a system of sewers as provided in the report of the engineer.

3. The notice shall state the purpose of the election and the amount of indebtedness to be incurred.

**249.080. Form of ballot for election to incur indebtedness.**—The question shall be submitted in substantially the following form:

Shall the ..... sewer district incur indebtedness in the amount of ..... dollars and issue bonds in evidence thereof?

**249.090. Trustees—bonds issued—tax for interest and sinking fund.**—The three candidates for office of trustee who shall receive the highest number of votes shall be declared elected trustees with terms as provided in section 249.140. If it appears that two-thirds or more of the voters of such district voting on the propositions of incurring indebtedness submitted at said election were in favor of incurring such indebtedness, the election authority shall make an order reciting the holding of such election and the results thereof, both for and against the proposition, and if the result of the election as certified shall be in favor of incurring the indebtedness and issuing the bonds then the board of trustees for said district shall direct the issuance thereof to the amount of the debt authorized to be incurred, or any portion thereof, and shall either before or at the time of doing so provide for the collection of an annual ad valorem tax upon all of the taxable property within the district, which tax shall be sufficient to pay the interest on such indebtedness as it falls due and also to create a sinking fund for the payment of the principal thereof within twenty years from the date of contracting the same, said tax to be levied and collected as provided for in section 249.130.

**249.110. Tax levy to be authorized by voters—election expenses, how paid.**—The board of trustees shall have no power to levy or collect any taxes for the payment of any indebtedness incurred by said district unless and until the voters of the district shall have authorized the incurring of indebtedness at an election but all such expenses and indebtedness incurred by said district may be paid out of funds which may be received by said district from the sale of bonds authorized by the voters at any such election.

**249.134. Hearings on proposed extension, notice—election, when ordered—**

decree of extension entered.—1. Immediately after the report of the engineer has been filed, the court shall fix a time at which it will hear such petition or any objections thereto and it shall be the duty of the clerk of the circuit court to cause a notice thereof to be published in some newspaper of general circulation in the county where in the proceedings are pending, for three consecutive weeks, which notice shall set out the boundaries of the proposed extension of the district as shown in the report of the engineer, and shall notify all persons within such district and all persons within the boundaries of the proposed extension of such district, who own property liable for or which may become liable for taxation for the sewer system of such district or of such district if extended, that on or before the time so fixed by the court they may file objections to either or both the petition or the engineer's report and that such petition and that any objections thereto will be heard by the court at the time so fixed.

2. If upon the hearing upon such petition and objections the court shall find that an extension of the boundaries of such district within the boundaries as set forth in the engineer's report or within any part thereof is necessary for the preservation of the public health or public welfare or will be of public utility or benefit and will be advisable, the court shall find in favor of the petitioners and shall render its decree to the effect, If the court shall find that such an extension is not necessary or will not be of public health or public welfare or will not be of public utility or benefit and will not be advisable, then it shall find against the petitioners and shall dismiss the petition.

3. If the court shall find in favor of the petitioners then (except as hereinbelow set out) it shall enter its order directing the election authority to call and hold separate elections, both in the original sewer district and in the territory proposed to be annexed, upon the question of whether such territory should be annexed to the sewer district. The notice shall include a description of the territory to be annexed. The question shall be submitted in substantially the following form:

Shall the ..... sewer district annex the contiguous area described in the notice for this election?

4. The election authority shall certify the results of the election to the circuit court having jurisdiction of the matter. If a majority of the votes cast on the proposition, both in the original sewer district and in the territory to be annexed, shall be in favor of such annexation, then the court shall render a decree declaring the boundaries of such district to be extended and describing the boundaries of the district as extended. If a majority of the votes cast on the proposition in either the original district or in the territory to be annexed shall be against such annexation, then the court shall render a decree declaring that the proposal to extend the boundaries has failed and that the boundaries of such sewer district shall remain unchanged.

5. Provided, however, that, notwithstanding the above provisions of this section, no election shall be held on the question of the annexation to a sewer district of contiguous territory in the following circumstances: (a) That at or before the time the circuit court shall render the decree calling the election there shall be presented to the court a written statement agreeing to the annexation of the territory to the district, signed by a majority of the owners of land in the territory to be annexed, who shall also be the owners of more than one-half of the land in such territory; (The term "owner" as used in this provision, shall mean the holder of the legal title to a freehold interest in land, including mortgagors and grantors in deeds of trust to secure debts; remaindermen, reversioners, and holders of equitable interests shall not be considered in computing the number of

owners who sign the petition or in computing the total number of owners in the territory); (b) that the board of trustees of the sewer district to which the territory is to be annexed shall by action recorded on its minutes, accept the annexation of such territory and shall file with the court a certified copy of the record of its action at or before the rendition of the decree calling the election. If such a petition of landowners and such certified copy of the action of the board of trustees shall be filed with the court as above stated, and if the court shall find upon the hearing in favor of the petitioners, then the court shall render its decree declaring the boundaries of such district to be extended and describe the boundaries of the district as extended. If the boundaries of the district be extended a certified copy of the final decree shall be filed in the office of the recorder of deeds in the county in which such proceedings are pending and in the office of the secretary of state.

**249.136. Indebtedness authorized—limitations—election required.**—Any sewer district organized under sections 249.010 to 249.420 or whose boundaries have been extended as provided, shall have the power to incur further indebtedness of the district and issue bonds of the district therefor for the purpose of providing a sewer system for the district, as provided by sections 249.010 to 249.420, or for enlarging, replacing, repairing, modifying, improving or extending the same, to make an effective and complete sewer system or to provide funds to pay any obligation incurred or which may be incurred by contract with any other district or municipality or other public agency for the construction, use or maintenance of common or joint sewers, drains, outlets and disposal plants, provided such indebtedness together with all existing indebtedness of such district, shall not exceed in the aggregate five percent of the value of all taxable tangible property in such district to be ascertained by the last completed assessment of property for state and county purposes prior to the incurring of such indebtedness, and provided further that two-thirds of the voters of such district voting on the proposition to incur such indebtedness shall assent thereto. The question shall be submitted in substantially the following form:

Shall the ..... sewer district issue bonds in the amount of ..... dollars payable from taxes?

Any bonds issued as provided herein shall be issued in accordance with the provisions relating to the original issuance of bonds hereunder; provided, however, the amount of bonds to be so issued shall be determined by the board of trustees and in determining said amount the board of trustees shall not be limited by any estimate of costs herein provided to be made by the engineer at the time of the incorporation of such district or the extension of its boundaries.

**249.140. Trustees, qualifications, election, term.**—1. Any candidate for the office of trustee in the district shall be an American citizen over the age of twenty-five years and shall have been a resident within the county within which the district is situated for more than four whole years next before the date of the election at which he is a candidate and shall be a voter of the district. Any person desiring to become a candidate for the office of trustee at the election held on the original incorporation of the district, as provided in section 249.070, shall file with the county court or with the election commissioners a statement, under oath, that he possesses the qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of five dollars, whereupon his name shall be placed on the ballot as candidate for trustee. Any person desiring to become a candidate for the office of trustee in any subsequent election shall file such statement, under

oath, with and pay such filing fee to the secretary of the board of trustees, whereupon his name shall be placed on the ballot as candidate for the office of trustee.

2. At such initial election the candidate who receives the highest number of votes shall be elected for a six-year term as trustee; the candidate who receives the second highest number of votes shall be elected for a four-year term as trustee; the candidate who receives the third highest number of votes shall be elected for a two-year term as trustee.

3. After his election each trustee shall take and subscribe his oath or affirmation before the clerk of the circuit court to the effect that he is qualified to act as trustee under the provisions of sections 249.010 to 249.420 and that he will perform his duties as such trustee to the best of his ability and impartially in the interest of the whole district.

**249.390. Election in subdistrict for issuance of bonds.**—When such report is filed, the question shall be submitted of whether the board of trustees shall have authority to issue bonds for the purpose of anticipating the revenues of said subdistrict for the cost of construction of said system of sewers, the total amount of said bonds not to exceed the estimated cost as shown in the report of the chief engineer. If a majority of such voters, voting on the question, shall vote in favor of authorizing the board of trustees to issue such bonds, the board of trustees shall have the power to issue and sell the same in the same manner as is provided in section 249.090 for the issuance and sale of other bonds of the district. Bonds issued under this section shall not run for a period of more than twenty years nor bear a higher rate of interest than six percent per annum.

**249.450. Number of petitioners required.**—1. In any county having not less than five hundred thousand and not more than seven hundred thousand inhabitants, in any county which adjoins or which contains a portion of a city having more than four hundred thousand inhabitants, and in any county of the first class or having a charter form of government, whenever a petition signed by ten percent of the voters of the proposed district is filed with the county clerk of any such county, or whenever such county court deems the construction of sewers necessary for sanitary or other purposes, such county court after consultation with the sewer engineer shall adopt a resolution to establish such sewer district or districts. The resolution shall describe generally the size and location of the proposed sewer district or districts.

2. In any county of classes two, three or four which are not subject to subsection 1, the county court of the county, upon the filing of a petition signed by ten percent of the voters of the proposed district shall, after consultation with the sewer engineer, adopt a resolution to establish the sewer district. The resolution shall describe generally the size and location of the proposed sewer district.

**249.763. Incorporation of district—petition—bond.**—Any contiguous area lying within a second class county may be incorporated as a sewer district as follows: Ten percent of the voters within the area may file with the circuit court a petition setting forth the reason or necessity for a sewage treatment facility and a sewer system; the boundary lines of the proposed district; the names of the owners of real property within the district; and the name of the proposed district. A bond shall be filed with the petition in a sum to be determined by the court but not in excess of five hundred dollars, payable to the state signed by one or more of the petitioners with sufficient surety or sureties to be approved by the court, conditioned upon the payment of costs and expenses.

**249.765. Notice of proceedings.**—Immediately after the petition has been filed,

the clerk in whose office the petition has been filed shall give notice by causing publication to be made once a week for four consecutive weeks in some newspaper published in the county in which is situate the real property of the district, the last insertion to be made at least fifteen days prior to the first day of the next regular term of the circuit court at which the petition is to be heard; the notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections 249.760 to 249.810.

#### NOTICE OF APPLICATION TO FORM SEWER DISTRICT

Notice is hereby given to all persons interested in the following described real property in ..... county of Missouri (here describe the property as set out in the petition) that a petition asking that the foregoing real property be formed into a sewer district under the provisions of sections 249.760 to 249.810, RSMo, and that the real property as above described will be affected by the formation of the sewer district and be rendered liable to taxation for the purposes of paying the expenses of organizing and making and maintaining the improvements that may be found necessary for the construction and maintenance of sewage treatment facilities and the sewer system in the district, and you, and each of you, are hereby notified to appear at the next term of this court to be held on the ..... day of ....., 19...., at ..... in ..... county, and show cause, if any there be, why the sewer district as set forth in the petition shall not be organized as a public corporation of the state of Missouri.

.....  
Clerk of the circuit court of ..... county.

**249.767. Objections, who may file, disposition—filing and recording decree of incorporation.**—1. Any voter who may not have signed the petition, objecting to the organization and incorporation of the sewer district, shall, on or before the first day of the term of court at which the cause is to be heard, file his objection why the sewer district should not be organized and incorporated. The objection shall be limited to a denial of the statements in the petition, and shall be heard by the court in a summary manner, without unnecessary delay, and in case all such objections, if any, are overruled, the circuit court shall by its order, duly entered of record, duly declare and decree the sewer district a public corporation of this state. The court may amend the petition by changing the proposed boundaries in such manner as to exclude an objecting party from the proposed district. If the court finds that the property set out in the petition should not be incorporated into a sewer district, it shall dismiss the proceedings and adjudge the costs against the signers of the petition.

2. Any person having signed the petition shall have no right to have the proceedings dismissed as to him without the written consent of the majority of the voters who signed the petition. The petition may be amended as any other pleading.

3. Within sixty days after the district has been declared a public corporation by the court, the clerk thereof shall transmit to the secretary of state a certified copy of the findings and decree of the court incorporating the district, and the same shall be filed in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed under the general law concerning corporations.

4. A copy of the findings and decree, together with a plat of the district, shall also be filed in the office of the county recorder, where the same shall be-

come a permanent record, and the recorder shall receive a fee of one dollar for filing and preserving the same.

**249.770. First election of supervisors—terms.**—Within one year after any sewer district has been organized and incorporated under the provisions of sections 249.760 to 249.810 there shall be elected a board of five supervisors, to be composed of voters in the district and the supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors are elected and qualified.

**249.773. Election of supervisors after initial organization—terms.**—On each municipal election day, the voters of the district shall elect one supervisor who shall hold his office for five years or until his successor is elected and qualified.

**249.790. Debt may be incurred, procedure.**—1. The board of supervisors of a sewer district organized under the provisions of sections 249.760 to 249.810 may borrow money either through the issuance of bonds or through other arrangements. In this event the board of supervisors shall proceed as follows: The board shall adopt a resolution indicating the reasons for borrowing money, the amount needed, the purpose for which it is to be used, and the arrangements for the loan or the amount and type of bonds to be issued.

2. The resolution may submit at the election a proposal to borrow money or to issue general obligation bonds, but the board of supervisors shall not have authority to borrow money or to issue bonds unless two-thirds of the voters in the district voting on the question vote in the affirmative.

3. General obligation bonds shall be issued within the limits imposed by section 26, article VI of the constitution. Before, or at the time of, issuing general obligation bonds, the board of supervisors shall provide for the collection of an annual tax, levied on all taxable real property in the district, sufficient to pay the interest on the bonds as it falls due, and also to constitute a sinking fund for the payment of the principal within twenty years from the date of issuance, except that the net income and revenues arising from the operation of the sewer system after payment for costs of operation, maintenance, depreciation and necessary extensions and enlargements shall be transferred to the interest and sinking fund and applicable to the general obligation bonds issued under the provisions of sections 249.760 to 249.810.

4. All bonds issued under the provisions of this section shall be executed by the chairman of the board of supervisors, attested by the secretary of the board, and shall be of such denomination, contain such terms and be payable in such medium as the board of supervisors may determine.

**249.800. Revenue bonds may be issued without election, when, notice, procedure—election required, when.**—The board of any district contemplating the issuance of revenue bonds under the provisions of sections 249.760 to 249.810 may give notice of its intention to issue the bonds without submitting the proposition to the voters of the district, the notice to state the maximum amount of bonds proposed to be issued and the general purpose of the bonds. The notice shall further state the right of the voters in the district to file their written protest against the issuance of the bonds as hereinafter provided. The notice shall be published twice in a newspaper published in the county in which the district is located. If within fifteen days after the date of the first publication of the notice there shall not be filed with the secretary of the district a written protest against issuance of such revenue bonds, signed by a number equal to twenty-five percent of the voters voting at the last preceding election of supervisors within the sewer dis-



trict, the board of the district shall have power to issue the revenue bonds of the district to the amount and for the purpose specified in the notice without an election. If within fifteen days after the date of the first publication of the notice there is filed with the secretary of the district a written protest against the issuance of the revenue bonds signed by the requisite number of voters within the sewer district, the board of the district shall thereupon submit the proposed revenue bond issue to the voters of the district and, if a majority of the voters voting on the question shall vote in favor thereof, the proposed improvements may be made and the revenue bonds issued in payment of the cost thereof.

**249.810. Dissolution of district, procedure.**—1. The incorporation of every district, heretofore or hereafter incorporated under and by virtue of the provisions of sections 249.760 to 249.810, shall be dissolved if, at any time before bonds are issued and negotiated to construct the works and improvements as provided by the plan of reclamation adopted by its board of supervisors, the owners of a majority of the assessed valuation of real property within the district petition the circuit court wherein the district was incorporated for a dissolution thereof; provided, that upon the filing of any such petition, the circuit court shall, before dissolving the corporation, ascertain and determine the amount of money in the treasury of, or owing to, the district, and the amount of all warrants issued and unpaid by it and the amount of the debts and other obligations owing by it; and, if the amount of money in the treasury and owing to the district is in excess of the amount of the warrants, debts and other obligations, the circuit court shall order said warrants, debts and other obligations to be forthwith paid and discharged, and the excess divided among all the owners of land in the district who paid the same thereto, in the proportions in which they paid the same; but, if the amount of money, in the treasury and owing to the corporation, is not sufficient to pay and discharge the warrants, debts and other obligations, then the circuit court shall order the board of supervisors to levy and collect a uniform tax upon the real property within the district, sufficient in amount to pay the deficiency, and to thereupon pay the same.

2. At any time during the corporate life of the district, when all outstanding bonds have been paid and when all other indebtedness of the district has been paid or when there is sufficient money on hand to pay any and all outstanding indebtedness, and when there is sufficient money on hand to pay the costs and expenses of the dissolution of the corporation as herein provided, the board of supervisors may, and, on a petition of a number of voters equal to twenty-five percent of those voting at the last preceding election of supervisors, shall submit the question to the voters to determine whether or not the district shall be dissolved and its corporate life terminated.

3. If the majority of the voters voting on the question vote in favor of the dissolution of the incorporation of the district, the board of supervisors shall cause to be filed in the circuit court wherein the district was incorporated, a petition setting out the facts; that there are no outstanding bonds of the district; that there is no other outstanding indebtedness of the district, or that there is sufficient money on hand to pay any outstanding indebtedness, as the case may be, and that there is sufficient money on hand to pay the cost and expenses of the dissolution; that due notice has been given of the meeting; and, that a majority, qualified as herein provided, voted in favor of the dissolution. Whereupon the court or the clerk thereof in vacation shall cause notice to be given by publication in some newspaper printed and published in the county for four successive weeks, the last publication being not less than fifteen days before the first day of the term to which the petition is made returnable, directed to the creditors, land-

owners and all persons interested, of the filing of the petition, its object and purpose, and ordering them to show cause, if any there be, on the first day, why the corporation should not be dissolved.

4. If, upon a hearing of the petition, the court finds the facts aforesaid and finds that there are no outstanding debts and that there is sufficient money to pay the expenses of dissolution, it shall enter its order dissolving said corporation. If it finds there is sufficient money on hand to pay all outstanding debts it shall order the debts paid and thereafter, on proper showing of their payment, enter its order of dissolution.

**250.060. Bonds may be issued—vote required—election—form of ballot—annual tax to be levied.**—1. Bonds of any such sewer district, payable from taxes, may be issued for the purpose of improving and extending the sewerage system of the district upon the approval of a proposition to issue such bonds by a two-thirds vote of the voters voting in favor of the question.

2. The question shall be submitted in substantially the following form:

Shall ..... (name of city or district) issue bonds payable from taxes?

3. Before any sewer district shall incur any indebtedness evidenced by bonds payable from taxes as hereby authorized, such sewer district shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due and to retire the same within twenty years from the date contracted.

**250.070. Revenue bonds—election—vote required—form of ballot.**—1. No such city, town or village or sewer district shall issue or deliver any bonds for the purpose of acquiring, constructing, improving or extending any such sewerage system or combined waterworks and sewerage system payable from the revenues to be derived from the operation of any such system unless a proposition to issue such bonds shall have received the assent of a majority of the voters of such city, town or village or the assent of four-sevenths of the voters of the sewer district, who shall vote on the question. The question shall be submitted in substantially the following form:

Shall ..... (name of city, town, village, or district) issue revenue bonds in the amount of ..... dollars?

**257.020. Definitions.**—Unless the context requires otherwise, as used in this chapter the following terms mean:

(1) "Court", the circuit court wherein the petition for the organization of the district was filed and granted.

(2) "Person", person, firm, copartnership, association or corporation.

(3) "Public corporation", counties, townships, cities, towns, villages, all special districts, and all other governmental agencies.

(4) "River basin":

(a) A primary drainage basin; and including all of the area of a primary drainage basin above the point where the main stream of such basin flows out of the state of Missouri;

(b) A secondary drainage basin;

(c) A tributary drainage area, the principal stream of which drains directly into the main stream of a primary or secondary drainage basin; or

(d) The unnamed drainage areas not within any primary drainage basin and including those areas which border and drain directly into the Mississippi, Missouri, or Des Moines Rivers; all such basins and areas, and the streams thereof, being those delineated on the Missouri Bureau of Geology and Mines Drainage Map of 1927 as prepared and drawn under authorization of Laws of Missouri, 1921,

page 88, and which drainage map was accordingly made of record in the bureau's biennial report of the state geologist transmitted to the 54th general assembly in 1927. Such delineation of basins and areas shall be understood to define their general locations and names, if any, and to be not definitive of their exact boundaries.

(5) "River":

- (a) The main stream and its tributaries of a primary drainage basin;
- (b) The main stream and its tributaries of a secondary drainage basin;
- (c) The principal stream of a tributary drainage area and its tributaries;
- (d) The stream or streams of an unnamed drainage area, the specific delineation of which is otherwise provided for herein.

**257.090. Court to call election—contents of call.**—1. Upon designation of the election districts the court shall call for the referendum and board election accordingly.

2. The call for the referendum and first board election shall specify also at least the following:

- (1) The purpose of the district as organized by the court;
- (2) The general area of the district;
- (3) The qualification of voters;
- (4) The vote required for passage of the referendum;
- (5) The basis of representation provided herein for the election of trustees, and the filing time for candidates for the board of trustees.

**257.100. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall a ..... Conservancy District be established?

**257.110. Vote required to approve district.**—A majority vote of those voting in the referendum shall constitute approval of establishment of the district.

**257.140. Order establishing district not subject to collateral attack, when—contest of vote authorized.**—Whenever an order is entered establishing the district, the order shall finally and conclusively establish the regular organization and establishment of the district against all persons except the state of Missouri upon suit commenced by the attorney general within three months after the decree declaring the district established. The organization and establishment of the district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized. This provision is understood not to apply to an election contest of the referendum, first board election, or any other election provided for in this chapter.

**257.160. Regular elections of trustees, when held—number of trustees, how selected, terms, qualifications, vacancies filled, how—removal.**—1. The time for election of trustees of the board of the conservancy district shall be on primary election days, except as provided herein for the first board election.

2. There shall be eight trustees selected to constitute the board of the conservancy district. They shall be selected as follows:

(1) Six shall be elected, each to represent one of the six election districts of the conservancy district and to be elected by voters within his election district.

(2) Within sixty days after the first board election or succeeding elections for trustees, as the case might be, the governor, by and with the advice and consent of the senate, shall appoint one trustee to represent election districts one, two and three, one trustee to represent election districts four, five and six.

(3) Trustees elected or appointed to the first board from election districts one, two and three shall hold office until the next primary election. Trustees from

election districts four, five and six shall hold office until the second biennial primary election after their selection as members of the first board of trustees. Thereafter the terms of office of all eight trustees are for four years, election or appointment as provided herein to occur at the time of each primary election at which the respective previous terms of office expire.

(4) Candidates for election to the board of trustees shall be citizens of the United States, voters within their respective election districts for one year next preceding the election, and at least thirty years of age. In addition to possessing such qualifications, trustees appointed by the governor shall have previously demonstrated a broad knowledge and interest in the fields of natural resources, agriculture, forestry, or business and industry, and shall, wherever possible, come from a different area within their respective election districts from that of the elected trustees.

3. Notwithstanding any other provisions herein to the contrary, trustees whose terms of office expire shall hold office until their successors are elected or appointed as the case may be, and until such successors are qualified.

4. In event of the vacancy of the office of any trustee, for whatever reason, before expiration of the term for the office, the following procedure shall govern:

(1) In the case of an elected trustee or a court appointed trustee, the court shall appoint a qualified person to serve until the next election, at which time there shall be elected a trustee to fill the unexpired term, if any, in the manner provided for the regular election of trustees.

(2) In the case of a trustee appointed by the governor, the governor shall appoint a qualified person to serve until the next election at which time the unexpired term, if any, shall be filled by appointment following the election as herein provided for. A qualified person for vacancy appointments by the governor as otherwise provided in this chapter.

5. (1) Any elected trustee, or any other officer of any district, not a trustee, may be removed for cause after a hearing upon a motion filed in the original case in which the district was organized.

(2) Any court appointed trustee may be removed by the court.

(3) Any trustee appointed by the governor may be removed by the governor.

**257.170. Election of trustees, procedure.**—1. Candidates for election to the board of trustees shall file their declarations of candidacy with the secretary of the board of trustees or in the case of the first election, the filing shall be in like manner with the secretary of the election authority. The declaration of candidacy shall set forth the candidate's qualifications as provided herein.

2. The ballots shall not designate the candidates' parties.

3. At least a majority of the then qualified members of the board of trustees or of the election district commission, as the case might be, shall jointly tabulate the results received and shall certify the candidates receiving the greatest number of votes for the respective terms of office and until their successors have been elected and qualified. In the case of the election district commission executing its duties hereunder, the secretary thereof shall forthwith send to the court, by registered mail, one complete copy of all returns.

**257.310. Creation of district for primary drainage basin including previously formed district, procedure—establishment of subdistricts—officers, employees, powers—disincorporation of such district.**—1. Where any conservancy district is organized and established within a primary drainage basin and the area of such district is a secondary drainage basin or a tributary drainage area, the balance of the primary drainage basin may be the basis for initiating, organizing, and estab-

lishing a conservancy district for the entire primary drainage basin. Other provisions of this chapter shall apply to the initiating, organizing, establishment, and function of the primary drainage basin conservancy district, except:

(1) The provisions of the chapter for initiating, organizing and establishing a conservancy district shall apply only to such balance of the primary drainage basin as lies without any other conservancy district, but the jurisdiction of the court shall be determined on the basis of the entire primary drainage basin. In addition to the petitioning procedure as it shall apply to initiating a primary drainage basin conservancy district under this section, any established conservancy district of lesser extent within the primary drainage basin shall have the right to be a petitioner under this section, regardless of limitations on petitioners provided by this chapter, and may, solely and by itself sign and present a petition to the court for the organization and establishment of a conservancy district for the primary drainage basin of which the lesser district is a part. It is understood hereby that

(a) The existence and function of any conservancy district of lesser extent within the primary drainage basin shall in no way constitute a bar or limitation on the establishment of a conservancy district for the entire primary drainage basin;

(b) The referendum therefor shall be by vote of qualified voters within those areas of the primary drainage basin which are without the boundaries of any established conservancy district;

(c) The procedure and basis for selection of trustees of the primary drainage basin conservancy district shall be in no way different from that otherwise provided for in this chapter for any conservancy district.

(2) Upon establishment of a primary drainage basin conservancy district under this section,

(a) Any conservancy district of a lesser extent, including any subdistrict thereof, within the primary drainage basin established as a conservancy district, upon such establishment shall forthwith become a subdistrict, subject to whatever the regular prosecution of the affairs of the primary drainage basin district shall resolve, in accord with the objects, purposes, and other provisions of this chapter;

(b) The trustees of any conservancy district of lesser extent shall no longer hold office and shall cease to function upon qualification of the trustees of the primary drainage basin district but shall be held responsible, with appeal therefor to the court by any party of interest, for a proper handling, transfer, and consolidation of the affairs of their district being assumed by the primary drainage basin district trustees as district trustees or as subdistrict trustees;

(c) The further position and responsibility of any other officer, employees, agents or persons responsible to any such former conservancy district shall be a matter of decision by the board as district or subdistrict trustees. Such personnel shall be subject to the same provisions for responsibility as the former trustees of the lesser district are subject to in this section.

2. In addition to the formation of a subdistrict as previously provided for in this section, whenever it is desired to accomplish the purposes of this chapter and exercise the powers of the board of trustees where such purposes and powers will affect only a part of a conservancy district, a subdistrict may be formed within such part of the district.

3. Establishment of such a subdistrict shall be preceded by a plan for the proposed subdistrict, which plan may be part of an official plan for the entire district or part of the district, or may be a separate official plan in itself. In any

case the procedure for creating a subdistrict plan shall be, in all respects, the same as provided herein for originating and securing an official plan, with the additional provision that the plan shall include a name for the subdistrict.

4. When the plan for a proposed subdistrict has been approved and made official, it may be subject to further action as follows:

(1) The district board shall issue notice of the approval of the plan and may announce in such notice, or in a later notice, its intention to submit the question of establishing the subdistrict, subject to a determination of the boundaries of the proposed subdistrict.

(2) If the district board, at the time of its notice of the approval of the plan or within thirty days after publication of such approval notice is complete, does not give notice of its intention to call an election, subject to such determination of the boundaries, a petition for such action toward a subdistrict may be presented to the board. The number of petitioners and their qualifications shall be the same as provided in this chapter for initiating the establishment of a conservancy district. Upon receipt of such petition, and finding it valid, the board shall take action forthwith on the proposed subdistrict as though on its own initiative. In such case, however, the board may require the petitioners to give bond for the costs of determining the boundaries and of the election. If the election for a subdistrict fails, such costs shall be paid by the petitioners. If the subdistrict is established, the costs shall be paid by the subdistrict.

5. At the time of the subdistrict election, questions of additional tax and bond issue may be presented to the voters if so indicated by the official plan, and if the board in calling the subdistrict election on its own initiative has so stated or if, in the case of a petition, the petitioners have so requested the board. If such questions are presented to the voters the respective provisions of this chapter for tax and bond elections shall be followed insofar as such would apply.

6. The result of the election for the establishment of a subdistrict shall be entered upon the records of the board. If the voters approve the subdistrict establishment, certified copies of the board's record thereof shall be filed with the secretary of state, the county recorder of the county or counties within the subdistrict, and the state reviewing agency.

7. Upon entry in the records of the board of the vote approving establishment of the subdistrict, the subdistrict shall be organized and established thereby, with the trustees of the conservancy district thereupon becoming trustees also of the subdistrict. Thereafter, the proceedings in reference to the subdistrict shall in all matters conform to the provisions of this chapter; except that in the issuance of bonds for the subdistrict, in the levying of taxes by the subdistrict, and in all other matters affecting only the subdistrict, the provisions of this chapter shall apply to the subdistrict as an independent conservancy district, and it shall not, in these things, be amalgamated with the district. It is understood that such provisions for a subdistrict shall, in no way, restrict a conservancy district's taxing and bonding authority or limitations in the area of the subdistrict or elsewhere in the district; except, no lesser district, absorbed as a subdistrict into a primary drainage basin conservancy district, shall be subject to a general obligation bond tax by the primary district when the lesser district has a bond tax of its own, unless the primary district tax provides for the assumption of the lesser district bonds; and provided further, that no bond tax shall be levied upon said lesser district until a sufficient time shall have expired that would have permitted said district to have retired all of the bonds originally voted and retired if said bond tax had been levied to retire the original amount of the bonds voted and retired by a bond tax levied upon the assessed valuation within said lesser district.

8. The board of trustees, chief engineer, attorney, secretary and other officers, agents and employees of the district shall, so far as it may be necessary, serve in the same capacities for such subdistrict. Contracts and agreements between the district and the subdistrict may be made. The distribution of administrative expense between the district and subdistrict shall be in proportion to the interests involved and the amount of service rendered, such division to be made by the board of trustees.

9. Any subdistrict may be disincorporated in the same manner as provided herein for a conservancy district insofar as securing a vote of disincorporation is concerned. If disincorporation is voted, the board of trustees shall have the sole responsibility for all liquidating, taxing, financial, and other procedures, shall have the authority to exercise such taxing power of the subdistrict as is necessary to dispose of any indebtedness of the subdistrict, and shall, upon payment of all debts of the subdistrict, consolidate into the district all else formerly a part of the subdistrict for such action or procedure as would be the case in the regular prosecution of its affairs by the district.

**257.370. General obligation bonds authorized, limits, terms, form—election required—vote required—levy and collection of tax to pay.—1.** The board of trustees of any river basin conservancy district may issue general obligation bonds for and on behalf of the district for the purpose of providing funds to carry out the official plan or plans of the district. The bonds shall not exceed, including existing indebtedness of the district, an amount equal to five percent of the assessed valuation of taxable tangible property in the district, to be ascertained by the last completed assessment for state and county purposes made previous to the incurring of the indebtedness. The bonds shall be issued in the denomination of one hundred dollars each, or some multiple thereof, to bear interest at a rate not exceeding six percent per annum, payable semiannually, and to become due and payable at the times the board of trustees determines by order of record, not exceeding twenty years from date of issue. All bonds shall be signed by the president of the board, and attested by the signature of the secretary of the board, with the seal of the district affixed; and all interest coupons shall be executed by the lithographed facsimile signatures of the officers.

2. Whenever a conservancy district proposes to issue bonds as aforesaid, it shall submit the question to the voters of the district. The notice of election shall state the amount and purpose of bonds to be issued, the polling place at which the election is to be held.

3. The results of the submission of the question shall be entered upon the records of the board of trustees.

4. If it appears that two-thirds of the voters voting on the question have voted in favor of the issuance of the bonds, the board of trustees shall order and direct the execution of the bonds for and on behalf of the district and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to provide for the payment of the principal and interest of the bonds so authorized as they respectively become due.

5. It shall be the duty of the secretary of the board, on or before the first day of May in each year, or the state auditor immediately thereafter, in case the secretary of the board fails or neglects so to do, to certify to the respective county clerks of the counties within the district the amount of money that will be required during the next succeeding year to pay interest falling due on bonds issued and the principal of bonds maturing during such year. Upon receipt of the certificate, it shall be the duty of the county clerks to levy and extend upon the tax

books such a rate of taxation upon all taxable tangible property in the district as will raise the sum of money required for the purposes aforesaid.

6. All of the laws, rights and remedies of the state of Missouri for the collection of state, county, school and other taxes, shall be applicable to the collection of taxes herein authorized to be collected.

**257.360. Form of ballot.**—The ballots of a conservancy district election held upon the question of issuing bonds shall be in substantially the following form: The question shall be submitted in substantially the following form:

Shall the ..... Conservancy District issue bonds in the amount of ..... dollars for the purpose of .....?

**257.450. Disincorporation, procedure—approval at election—appointment of receiver, duties.**—1. Disincorporation of a conservancy district may be accomplished by a vote therefor on the submission of the question to the voters of the district. The submission is initiated as follows:

(1) When the board determines the disincorporation is desirable after a hearing on the subject is held, provided that notice of such hearing is made by publication setting a time for the hearing and citing the reasons for the proposed need to disincorporate, and the board makes its decision for disincorporation within thirty days after the hearing is concluded, and on such decision calls forthwith for a disincorporation election; or

(2) When the number of freeholders which would be necessary to regularly initiate proceedings for establishment of the district petitions the board for a disincorporation election. The determination of the validity of the petition signatures and the petition shall be bound by the same provisions, as such would apply to this section, as for those of petitioners initiating action for a proposed district as provided in this chapter. When the board determines that the petition is valid it shall call a hearing as on its own motion to disincorporate. After the hearing is concluded with no withdrawal of the petition as provided for in this section, the board shall forthwith submit the question to the voters of the district.

2. Whenever notice of publication of a hearing on disincorporation is ordered the secretary of the board shall report the action forthwith to the official state agency designated by the governor to review plans of the district.

3. A majority of petitioners on a disincorporation petition may withdraw the petition and thereby terminate the proceedings at any time before the hearing is concluded.

4. In no case may disincorporation proceedings be initiated and carried forward unless at least one plan for the district has been prepared and finally approved as an official plan.

5. The question shall be submitted in substantially the following form:

Shall the ..... Conservancy District be disincorporated?

A vote of a majority of those voting is required for disincorporation.

6. When disincorporation is voted as provided herein, the board of trustees shall certify forthwith the result to the court, whereupon the court shall appoint a competent person from within the district as receiver. The receiver shall have, under order of the court, such powers and responsibilities, as such would apply to this section, as provided by law for receivers in the liquidation of general and business corporations; shall have, under court order, the authority to exercise such taxing power of the district as is necessary to dispose of the bonded and other indebtedness of the district; and shall be considered, for the purpose of this section on related portions of this chapter, to be an officer of the district. Upon appointment of a receiver by the court, the power and authority of the trustees



of the district to function as the board of the district ceases, and the offices of trustees terminate, subject to whatever orders the court may issue for securing the aid of the trustees in liquidation of the district.

7. When the receiver has closed the affairs and paid all debts of the district, he shall, subject to any further and necessary orders of the court, take action as follows:

(1) Pay to the county court of each county within the district the money remaining in his hands, on the basis of a pro rata to each county court as the taxes paid from each county to the district in the last full year of district tax collection under the board of trustees relate to the total district tax collection in said year, except that, in event the life of the district under the board does not encompass a full year of tax collection, the basis of payment shall be, as the court shall order, in a manner as similar as possible to such pro rata.

(2) File all data, plans and other official records of the district with the clerk of the court, which records shall be matters of public record available to any interested person.

**260.245. Tax, how levied—limitation—form of ballot.**—A city or county or combination of cities and counties may levy an annual tax as provided in sections 260.200 to 260.245 only after such tax has been submitted to a vote of the people to be affected thereby and a majority of the voters in each city or county voting thereon have approved same.

The question shall be submitted in substantially the following form:

Shall (the city of ....., the county of ....., the city of ....., and county of .....) levy an annual tax not to exceed ten cents on the one hundred dollars assessed valuation to pay for a solid waste management system?

**273.170. Applicability of law—petition—election.**—1. Upon the filing of a petition signed by one hundred or more voters of any county and presented to the county court at any regular or special session thereof the county court shall order the question, as to whether or not there should be adopted the law creating a license tax on dogs, submitted to the voters, to be voted upon at the next election.

2. The question shall be submitted in substantially the following form:

Shall there be a license tax on dogs?

3. If the majority of the votes cast upon the question be in favor of the license tax on dogs, the county court shall enter the result of the submission of the question upon its records and give notice thereof by publication in some newspaper printed and published in such county and such law shall become operative from the time such publication is made.

**273.180. Repeal of license tax on dogs—procedure.**—1. Upon the filing of a petition signed by one hundred or more voters of any county and presented to the county court at any regular or special session thereof, it shall be the duty of the county court to order the question, as to whether or not there should be repealed the law, creating a license tax on dogs, submitted to the voters, to be voted upon at the next election. Upon the receiving of such petition, it shall be the duty of the county court to make an order as herein recited.

The question shall be submitted in substantially the following form:

Shall the license tax on dogs be repealed?

2. If the majority of the votes cast upon the subject be in favor of repealing the license tax on dogs, the county court shall spread the result of the submission of the question upon its records and give notice thereof by publication in some

newspaper printed and published in such county and the law providing for a license tax on dogs shall not be operative in such county from the time such publication is made.

**311.110. Election to determine whether liquor may be sold by drink—procedure.**—Upon application by petition signed by one-fifth of the voters of any incorporated city, who are qualified to vote for members of the legislature in such incorporated city of this state, the board of aldermen, city council or other proper officials of such incorporated city shall submit the question to the voters of the incorporated city, to determine whether or not intoxicating liquor, as defined in this chapter, other than malt liquor containing not to exceed five percent of alcohol by weight, shall be sold, furnished or given away within the corporate limits of such incorporated city; and the result thereof shall be entered upon the records of such board of aldermen, city council or other proper officials, provided further, that the board of aldermen, city council or other proper officials shall determine the sufficiency of the petition presented by the poll books of the last previous city election.

**311.130. Form of ballot.**—The question shall be submitted in substantially the following form:

"Shall intoxicating liquor, containing alcohol in excess of five percent (5%) by weight, be sold by the drink at retail for consumption on the premises where sold?"

**311.140. Result of election—favorable vote.**—If a majority of the votes cast on the question be for the sale of intoxicating liquor, containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, such intoxicating liquors may be sold under the provisions of existing laws regulating the sale thereof and the procuring of a license for that purpose; and if a majority of the votes cast on the question be against the sale of intoxicating liquor, containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, the board of aldermen, city council or other proper authorities of such incorporated city submitting the question shall publish the result once a week for four consecutive weeks in the same newspaper in which the notice of submission of the question was published, and the provisions of this chapter shall take effect and be in force from and after the date of the last insertion of the publication last above referred to; and provided further, that no license to sell intoxicating liquor, by the drink at retail for consumption on the premises where sold, other than malt liquor containing not to exceed five percent of alcohol by weight, shall be granted during the time of publication last above mentioned; provided further, that this law shall not be construed to interfere with any license issued before the date of the filing of the petition for the submission of the question, but such license may run until the date of its expiration and shall not be renewed. The election in this chapter provided for and the result thereof, may be contested in the same manner as is now provided for by law for the contest of elections of county officers in this state, by any voter of such incorporated city in which said election shall be held, by an action to contest, and which shall be brought against the city holding such election.

**311.150. Result of election—unfavorable vote.**—If a majority of the votes cast on the question held under the provisions of this chapter shall be against the sale of intoxicating liquor containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, it shall not be lawful for any person within the limits of such incorporated city to, directly or indirectly,

sell, give away or barter in any manner whatever intoxicating liquor, by the drink at retail for consumption on the premises where sold, except malt liquor, containing alcohol not to exceed five percent by weight, under proper license, in any quantity whatever, under the penalties prescribed in this chapter.

**311.160. Question may be resubmitted, when—manner.**—Whenever the question submitted in this chapter provided for has been decided for or against the sale of intoxicating liquor containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, then the question shall not be again submitted within four years next thereafter in the same incorporated city, and then only on a petition and in every respect conforming to the provisions of this law.

**321.010. Definitions.—1.** A "fire protection district" is a political subdivision which is organized and empowered to supply protection by any available means to persons and property against injuries and damage from fire and from hazards which do or may cause fire, and which also empowered to render first aid for the purpose of saving lives, and to give assistance in the event of an accident or emergency of any kind. The district must consist of contiguous tracts or parcels of property, and may include within its boundaries, or may be contiguous with, any city, town or village.

2. The word "board" as used in this chapter shall mean the board of directors of a fire protection district.

3. Except as otherwise provided in this chapter, all elections herein provided for shall be held and conducted and the returns thereof made, examined, and cast up in the same manner and in all respects as in elections for state and county officers.

**321.030. Petition required for organization of fire district—who to sign.**—The organization of a district shall be initiated by a petition filed in the office of the clerk of the circuit court vested with jurisdiction in the county in which the real property in the proposed district is situated. The petition shall be signed by one hundred voters or more of the district.

**321.090. Protesting petition may be filed—who to sign—contents.**—Any time after the filing of a petition for the organization of a district and before the day fixed for the hearing thereon, a petition may be filed in the office of the circuit clerk, wherein the petition for the organization of such district is pending, protesting against the creation of the proposed district. Such protesting petition shall be signed and filed by or on behalf of one or more voters of the district, and shall recite wherein the incorporation of the district will not promote the purposes as set forth in the petition, or wherein sufficient facts have not been related to justify the incorporation of such district, and any other facts which may be useful to the court in determining whether or not such original petition shall be allowed.

**321.120. Election before decree becomes conclusive—form of ballot—election of first directors—orders after election.—1.** The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three persons to act as the first board of directors, shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district of ..... county?

3. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting therein voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office for a term herein provided for, the one receiving the second highest number of votes to hold office until two years, and the one receiving the highest number of votes until four years after the first biennial election of board members or until their successors are duly elected or appointed and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

**321.130. Director—qualifications—candidates' filing fees, oath.**—1. A person, to be qualified to serve as a director shall be a voter of the district for more than five years prior to his election or appointment and be over the age of twenty-five years.

2. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that he possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have his name placed on the ballot as a candidate for director.

**321.210. Election and terms of directors—filing fee.**—1. On the first Tuesday in April after the expiration of at least one full calendar year from the date of the election of the first board of directors, there shall be elected by the voters of the district one member of the board to serve for a term of six years.

2. The term of office of the director who received the third highest number of votes at the election in which the district was incorporated shall expire on the first Tuesday in April after the expiration of at least one full calendar year following each election or until his successor has been duly elected or appointed and qualified.

3. Nominations may be filed with the secretary of the board, by paying a five dollar filing fee and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

**321.220. Powers of board.**—For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of

the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, constructions, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance, rules and regulations is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the fire district is located shall prosecute such violations in the magistrate court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney, without compensation from the county, for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for the pensioning of the salaried members of its organized fire department of the district, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department who lose their lives in the performance of their duties; except that no board shall have the authority herein set forth until approved by the voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five voters the question shall be submitted whether the authority of this subdivision shall be exercised by the board.

Shall the board of directors of ..... fire district have the authority to provide for the pensioning of the salaried members of the organized fire department, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of benefits to the widows and minor children of members of the fire department who lose their lives in the performance of their duties?

If a majority of the voters casting votes thereon at the election be in favor of the question, this subdivision shall take effect in the district forthwith and the board shall then and thereafter effect such a program for the pension and benefit payments authorized at the election as shall be necessary for the operation of the district. The proposition authorized by this subdivision shall in no case be referred to the voters more than one time in any twelve-month period. Notwithstanding other provisions of this subdivision, the board of directors of any fire protection district which has a pension system for the salaried members of its fire department in operation on the effective date of this act may provide for the pensioning of any such members who hereafter become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties without submission of the proposition to do so to the voters of the district.

**321.225. Emergency ambulance service, when—election—tax levy—emergency defined.**—1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at the next annual election of the members of the board. The question shall be submitted in substantially the following form:

Shall the board of directors of ..... Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to provide funds for such service?

If a majority of the voters casting votes thereon be in favor of emergency

ambulance service and the levy, the district shall forthwith commence such service.

3. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

**321.240. Tax levy, election, when—form of ballots.**—To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and operation and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, and maintain the necessary personnel, which rate of levy shall not exceed thirty cents on the one hundred dollars valuation; may fix an additional rate, not to exceed five cents on the hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters.

Shall the Board of Directors of ..... Fire Protection District be authorized to increase the annual tax rate from .... cents to .... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

provided, that if the question fails to receive a majority of the votes cast, it shall not be resubmitted to the voters within one year after the election; except, that any district may impose a tax not to exceed ten cents on the one hundred dollars valuation, in addition to the rate which the board may levy under this section, by submitting the following question to the voters at any election in such district at which a member of the board of directors is to be elected:

Shall the Board of Directors of ..... Fire Protection District be authorized to increase the annual tax rate from ..... cents to ..... cents on the hundred dollars assessed valuation?

and in addition thereto, to fix a rate of levy which will enable it to promptly pay in full when due all interest on and principal of bonds and other obligations of the district, and to pay any indebtedness authorized by a vote of the people as provided in this chapter; and in the event of accruing defaults or deficiencies in the bonded or contractual indebtedness, an additional levy may be made as provided in section 321.260.

**321.350. Election to vote on issuing bonds or creating indebtedness.**—Whenever any board shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, to carry out the objects or purposes of said district, requiring the creation of an indebtedness in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, said board shall order the submission of the proposition of issuing such obligations or bonds, or creating other indebtedness, to the voters of the election. The declaration of public interest or necessity herein required and the provision for holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or

necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held.

**321.360. Form of ballot.**—The question shall be submitted in substantially the following form:

Shall ..... (Insert name of district) ..... Fire Protection District of ..... (name of county) County (here state the proposition to be submitted) .....  
The proposition so submitted, if relating to bonds, shall set out the amount of the issue and the purpose.

**321.370. Results of election to be announced.**—At any regular or special meeting of the board held within five days following the date of such election, the board shall declare the results.

**321.380. Two-thirds majority necessary to create indebtedness—subsequent submission.**—In the event that it shall appear from said returns that two-thirds of said voters of the district who shall have voted on any such proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects provided for in the proposition or propositions submitted hereunder and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at a subsequent election.

**321.390. Petition for dissolution of district—submission of question.**—Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of this chapter is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is inimicable to the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question, after having caused publication of notice of a hearing on said petition, in substantially the following form:

Shall ..... (Insert the name of the fire district). Fire Protection District ..... County be dissolved?

**321.400. Circuit court may call for an election to determine dissolution of district.**—If the court shall find that it is to the best interest of the inhabitants of said district that such district be dissolved, it shall make an order reciting the same and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of said election shall be certified to the court. If the court finds that two-thirds of the voters voting thereon shall



have voted in favor of the proposition to dissolve said district, the court shall make a final order dissolving said district, and the decree shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities theretofore incurred, or necessary to the winding up of the district. If the court shall find that two-thirds of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the said district shall continue to operate in the same manner as though said petition asking for such dissolution has not been filed.

**321.420. Status of existing fire protection districts—director vacancies, how filled.**—1. Except as otherwise provided by law, any fire district existing on September 10, 1947, shall continue to exist, and shall hereafter be called a fire protection district and shall be subject to the provisions of this chapter the same as though it were created hereunder. The board of trustees or directors of any such district existing under law shall continue as the board of directors of such fire protection district under the provisions of this chapter; and each member of such board shall continue to hold such office under the provisions of this chapter until his successor is duly elected or appointed and qualified as provided herein. Upon the expiration of the present term to which such director was elected or appointed, the vacancy thus created shall be filled by appointment in the manner provided herein, and the term of such appointment shall continue until a successor is duly elected at the next election following such expiration and is thereafter qualified. Such successor shall be elected for the regular term and in the manner provided herein for the election of directors. Thereafter, and except as otherwise specifically provided here, the elections of members of the board of such district shall be governed as is provided elsewhere in this chapter for the election of members of the board. Any vacancies occurring previous to the date of the election shall be filled by appointment for such intervening term between such time and the next election, in the manner provided herein for the filling of vacancies, and at the next election on the first Tuesday in April following such appointment, his successor shall be elected for the regular term in the manner and as otherwise provided herein.

2. Where the terms of two or more directors of a presently organized district expire at the same time the vacancies for the two or more offices shall be filled at the same election, and the candidate receiving the highest number of votes at such election shall serve for a term of six years, the candidate receiving the next highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years, if there be such vacancy.

**321.460. Consolidation of districts, procedure—election—form of ballot.**—1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be

consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

4. The circuit court sitting in and for any county to which the petition is presented is hereby vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order such districts consolidated, after holding an election, as hereinafter provided.

5. If the circuit court finds the plan for consolidation to have been duly approved by the respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit court shall enter its order of record, directing the submission of the question.

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section 321.130 and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

7. The question shall be submitted in substantially the following form:

Shall the ..... fire protection districts and the ..... fire protection district be consolidated into one fire protection district to be known as the ..... fire protection district?

8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in favor of the proposition to incorporate the consolidated district, then the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.

**321.490. Initiative and referendum authorized.**—All powers which may be exercised by the board of directors of a fire protection district may be exercised by the voters of that district by initiative or referendum.

**321.495. Form of petition.**—1. A petition for a referendum shall be in substantially the following form:

### WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

### INITIATIVE PETITION

To the Board of Directors of the ..... Fire Protection District:

We the undersigned, citizens and voters of the state of Missouri and the ..... Fire Protection District, respectfully order that (describe the measure) shall be referred to the people of the district for their approval or rejection, at the regular (special) election to be held on the ..... day of ....., 19 ....., and each for himself says: I have personally signed this petition; I am a duly qualified elector of the state and district; my residence and post office address are correctly written after my name.

Name ..... Residence ..... Post Office .....  
(If in a city, street and number.)

(Here follow numbered lines for signatures.)

2. Every sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure proposed by the initiative petition. Referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded.

3. Each sheet of every petition containing signatures shall be verified in substantially the following form by the person who circulated the sheet, by his affidavit thereon:

State of Missouri

County of .....

I, ....., being first duly sworn, say that each person whose name appears on this sheet signed his name thereto in my presence; I believe that each has stated his name, post office address and residence correctly, and that each signer is a voter of the state of Missouri and ..... Fire Protection District.

(Signature and post office address of affiant)

Subscribed and sworn to before me this ..... day of ....., 19....

(Signature and title of officer before whom oath is made and his post office address)

**321.500. Signatures required for referendum or initiative petition—submission of question—vote required.**—1. If an initiative or referendum petition is presented to the secretary of the board of directors, which petition carries the names of voters of the district, equal in number of votes of the district who voted in the last regular district election, the board of directors shall submit the question pursuant to the order or demand of the petition.

2. The measure called for in the petition is adopted if it receives an affirmative majority vote of the voters voting at the district election.

**321.600. Powers of board in providing fire protection (first class counties).**—For the purpose of providing fire protection to the property within the district, the district, and on its behalf the board, shall have the following powers, authority and privileges:

(1) To have perpetual existence;

- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;
- (5) Upon approval of the voters, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of sections 321.010 to 321.450;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;
- (10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;
- (11) To receive and accept by bequest, gift or donation any kind of property;
- (12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance, rules and regulations is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the fire district is located shall prosecute such violations in the magistrate court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney, without compensation from the county, for the prosecution of any such violation. The enactments of the fire district in delegating administration authority to officials of the district may provide standards of action for the administrative officials, which standards are

declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 321.010 to 321.450;

(15) To provide for the pensioning of the salaried members of its organized fire department of the district and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department, or if such member is unmarried or without minor children, to his next of kin, including adult children, if any, or other person designated by him or his estate, who lose their lives while on duty; and to provide for the payment of health, accident or disability benefits to such salaried members of its organized fire department, who shall become disabled due to injury or disease incurred while on duty or in the performance of their duties; except that no board shall have the authority herein set forth until approved by the voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five voters within the district, the question shall be submitted whether the authority of this subdivision shall be exercised by the board.

The question shall be submitted in substantially the following form:

Shall the board of directors of ..... fire district have the authority to provide for the pensioning of the salaried members of the organized fire department and to provide for the payment of benefits to the widows and minor children of members of the fire department, or if such member be unmarried or without minor children, to his next of kin, including adult children, if any, or other person designated by him, or his estate, who lose their lives while on duty; and to provide for the payment of health, accident or disability benefits to such salaried members of its organized fire department who shall become disabled due to injury or disease incurred in the performance of their duties?

If a majority of the voters casting votes thereon at the election be in favor of the question, this subdivision shall take effect in the district forthwith and the board shall then and thereafter effect such a program for the pension and benefit payments authorized at the election as shall be necessary for the operation of the district.

**321.610. Rate of levy—limit—additional levies by vote of people—form of ballot (first class counties).—**To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and operation and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, and maintain the necessary personnel, which rate of levy shall not exceed thirty cents on the one hundred dollars valuation; may fix an additional rate, not to exceed five cents on the hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at any election in such district at which a member of the board of directors is to be elected:

Shall the Board of Directors of ..... Fire Protection District be authorized to levy an annual tax rate of ..... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

Any district may impose a tax not to exceed ten cents on the one hundred dollars valuation, in addition to the rate which the board may levy under this section, by submitting the following question to the voters at any election in such district held on the first Tuesday in April of any year:

Shall the Board of Directors of ..... Fire District be authorized to increase the annual tax rate from ..... cents to ..... cents on the hundred dollars assessed valuation?

and in addition thereto, to fix a rate of levy which will enable it to promptly pay in full when due all interest on and principal of bonds and other obligations of the district, and to pay any indebtedness authorized by a vote of the people as provided by sections 321.010 to 321.450; and in the event of accruing defaults or deficiencies in the bonded or contractual indebtedness, an additional levy may be made as provided in section 321.260.

**321.620. Ambulance service may be provided—emergency defined—election, how called (first class counties).—**1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at the next annual election of the members of the board or upon petition by five hundred voters of such district.

The question shall be submitted in substantially the following form:

Shall the board of directors of ..... fire district be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed fifteen cents on the one hundred dollars assessed valuation to provide funds for such service?

If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

**321.650. Annexation by incorporated area, effect of—election, purpose of.—**

1. In any county of the first class having a charter form of government and not containing all or part of a city with a population of more than four hundred fifty thousand inhabitants, if any property which is located within the geographical boundaries of a fire protection district is now, or is later included within the geographical boundaries of an incorporated area which provided fire protection for the property involved, the property shall be excluded from the fire protection district, at the time hereinafter prescribed.

2. However, an election shall be held in the area excluded from the fire protection district to decide whether the fire protection district or the municipality shall render the fire service.

[S. C. S. S. B 582]

**SUFFRAGE AND ELECTIONS: Election procedures.**

**AN ACT** to repeal sections 115.129, 115.467, 115.471 and 115.473, RSMo Supp. 1977, relating to election procedures, and to enact in lieu thereof six new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
 115.129. Notice of election by mail authorized, contents of.  
 115.300. Preparation of absentee ballot envelopes, when, by whom.  
 115.467. Duties of judges after polls close (electronic voting).

**SECTION**

- 115.468. Write-in votes may be tallied at counting center.  
 115.471. Certification of tally book and statements of returns as to write-in votes (electronic voting).  
 115.473. Tally book, form of (electronic voting).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 115.129, 115.467, 115.471 and 115.473, RSMo Supp. 1977 are repealed and six new sections enacted in lieu thereof, to be known as sections 115.129, 115.300, 115.467, 115.468, 115.471 and 115.473, to read as follows:

**115.129. Notice of election by mail authorized, contents of.**—1. Not later than the fifth day prior to any election, the election authority may mail to each registered voter in the area of its jurisdiction in which the election is to be held, a notice of election which shall include the date and time of the election, the location of the voter's polling place and the name of the agency calling the election. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

2. In any county the notice of election may state whether the election is a national, state, county, municipal, special purpose district or special election in lieu of stating the agency calling the election provided that said notice also states the voters involved:

- (a) township;
- (b) election precinct;
- (c) municipality, if any;
- (d) school district; and
- (e) fire district.

**115.300. Preparation of absentee ballot envelopes, when, by whom.**—In each jurisdiction using an electronic voting system and using ballot cards as absentee ballots, the election authority may prepare absentee ballot envelopes, as they are received for processing and tabulation on election day or on the day preceding election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot envelopes shall be prepared by teams of election authority employees, with each team consisting of one member from each major political party.

**115.467. Duties of judges after polls close (electronic voting).**—1. As soon as the polls close in each polling place using an electronic voting system, the election judges shall secure the marking devices against further voting and begin to count the write-in votes. If earlier counting of write-in votes is begun pursuant to section 115.468, the election judges shall complete the count in the manner provided in this section. Once begun, the count shall not be adjourned or postponed until all proper write-in votes in the ballot box have been counted.

2. The election judges shall remove the ballot cards from the ballot box and

separate the ballots with write-in votes from those without write-in votes. If there is a separate form for write-in votes, all forms on which write-in votes have been recorded shall be consecutively numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. Where tallying of write-in votes is to be done at the polling place, the election judges shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes including write-in votes for any office exceeds the number allowed by law, or if a voter has voted more than once for the same person for the same office at the same election, a notation of the fact shall be noted on the back of the ballot card, and it shall be returned with the write-in form, if any, to the counting location in an envelope marked "DEFECTIVE BALLOTS".

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear.

4. If any ballot card is damaged so that it cannot properly be counted by the automatic tabulating equipment, the fact shall be noted on the back of the ballot card and it shall be returned to the counting location in the envelope marked "DEFECTIVE BALLOTS".

115.468. Write-in votes may be tallied at counting center.—At the discretion of the election authority, the verification and tallying of write-in votes may be done at the counting center by teams of election authority employees in lieu of at the polling place.

115.471. Certification of tally book and statements of returns as to write-in votes (electronic voting).—At each polling place using an electronic voting system, after the polling place is closed, the election judges shall

(1) Certify in the tally book the number of ballots cast, the number of identification certificates signed, the number of defective and spoiled ballots, the number of ballots with write-in votes, and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Where tallying of write-in votes is to be done at the polling place, certify on two statements of returns the number of write-in votes received by each candidate. No returns shall be signed in blank or before the polls have closed and all proper write-in votes cast at the polling place have been counted;

(3) Certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned with the statement to the election authority.

115.473. Tally book, form of (electronic voting).—1. The tally book for each polling place using an electronic voting system shall be in substantially the following form:

Tally book for ..... precincts, at the general (special, primary) election held on the ..... day of ....., 19 ..... AB, CD, EF, and XP



judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

The number of ballots received at this polling place is .....

The information on the ballot cards and ballot labels received at this polling place is the same as the information on the sample ballots received at this polling place.

AB

CD Election Judges

EF

XP

We hereby certify:

The number of ballots cast at this polling place is .....

The number of identification certificates signed at this polling place is .....

The number of defective ballots at this polling place is .....

The number of spoiled ballots at this polling place is .....

The number of voters casting proper write-in votes at this polling place is .....

The number of ballots received at this polling place which were not cast at this election is .....

AB

CD Election Judges

EF

XP

2. Where tallying of write-in votes is to be done at the polling place, at each polling place using an electronic voting systems, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the proper write-in votes and shall be in substantially the same form provided in subsection 2 of section 115.461.

3. Where tallying of write-in votes is to be done at the polling place, at each polling place using an electronic voting system, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form: We hereby certify that BK had ..... write-in votes for governor, and SF had ..... write-in votes for governor, that JH had ..... write-in votes for representative in Congress, etc. We, the duly qualified and acting judges of the polling place for ..... precincts, at the general (special, primary) election held on the ..... day of ....., 19...., in ..... county (City of St. Louis, Kansas City), Missouri, do hereby certify that the foregoing is a full and accurate return of all write-in votes cast at this polling place for all candidates.

AB

CD Election Judges

EF

XP

Approved June 8, 1978.

[H. B. 1694]

#### **SUFFRAGE AND ELECTIONS: Duties of election authorities.**

AN ACT to repeal sections 115.353 and 115.507, RSMo Supp. 1977, relating to certain duties of election authorities, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

## SECTION

1. Enacting clause.  
115.353. Declarations of candidacy, where filed.

## SECTION

- 115.507. Announcement of results by verification board, when due—abstract of votes to be official returns.  
A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 115.353 and 115.507, RSMo Supp. 1977, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.353 and 115.507, to read as follows:

**115.353. Declarations of candidacy, where filed.**—All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of Article V, Section 29 of the Missouri constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices, in the office of the county election authority. In any county in which there are two boards of election commissioners, the county clerk shall be deemed to be the election authority for purposes of this section.

**115.507. Announcement of results by verification board, when due—abstract of votes to be official returns.**—1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. In any county in which there are two boards of election commissioners, the county clerk shall certify the cumulative returns of that county.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Not later than the third Thursday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of Article V, Section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of ..... (City of St. Louis, Kansas City) on the ..... day of ....., 19....., for the offices of ....., etc. In any county in which there are two boards of election commissioners, the county clerk shall mail or deliver to the secretary of state the abstract of votes in his jurisdiction, by polling place, for each such office and on each such question.

**Section A. Emergency clause.**—Because there is a serious need to clarify certain election procedures recently enacted by the general assembly, and in order to provide immediate clarification of certain election laws for the officials charged with carrying out the same, this act is deemed necessary for the im-

mediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 3, 1978.

[S. B. 774]

**SUFFRAGE AND ELECTIONS: Procedure for inspecting voting machines.**

**AN ACT** to repeal section 115.503, RSMo Supp. 1977, relating to the procedure for inspecting voting machines, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SECTION**

1. Enacting clause.

115.503. Verification board to inspect or cause inspection of voting machines.

**SECTION**

A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 115.503, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 115.503, to read as follows:

**115.503. Verification board to inspect or cause inspection of voting machines.**

—1. As soon as possible after an election in which voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each voting machine not equipped with printed election return mechanisms used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine and, without unlocking the machine against voting, record the votes cast on the machine. In precincts where voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the official return sheet for the votes cast on that machine, when properly certified by the precinct election officers. One copy of such printed return sheet shall be posted on the outside of the polling place for the information of the public. One copy shall be returned to the election authority and retained by it for not less than one year. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

2. After the verification board or committee has completed its inspection and record, it shall compare the record with the returns made by the election judges on election day. If there is a discrepancy between the returns of the election judges and the record of the verification board or committee, the verification board shall correct the returns made by the judges to conform to its record. The corrected returns shall supersede the returns made by the election judges on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

**Section A. Emergency clause.**—Because there is a serious and urgent need

to correct certain election procedures as contained in this act, and because various elections will be held in the near future which will be affected by the provisions of this act, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 28, 1978.

[H. B. 1820]

**SUFFRAGE AND ELECTIONS: Selection of county committeemen.**

AN ACT to repeal section 115.607, RSMo Supp. 1977, relating to the selection of county committeemen of established political parties, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SECTION**

1. Enacting clause.

115.607. County committee, selection of.

**SECTION**

A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 115.607, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 115.607, to read as follows:

**115.607. County committee, selection of.**—1. No person shall be elected as a member of a county committee who is not a registered voter of the county and a resident of the committee district from which he is elected. Except as provided in subsections 2, 3, 4 and 5 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. The division of such township into subdistricts shall not affect the terms of county committee members in office January 1, 1978, until the terms for which they were elected have expired. Four members of the committee, two men and two women, shall be elected from each other township outside the city.

3. In each county of the first class containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: After each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the

county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

4. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

5. In all first class counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committeepersons shall be elected from each township.

**Section A. Emergency clause.**—Because immediate action is necessary to correct the election laws of this state pertaining to the election of county committeemen in order that such committeemen may continue to be elected from the wards, as well as the townships, of each county, and because the final filing date for persons seeking election as county committeemen is rapidly approaching, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 12, 1978.

[C. C. S. S. C. S. B. 839]

#### **SUFFRAGE AND ELECTIONS: Campaign practices.**

AN ACT to repeal sections 129.070, 129.075, 129.100, 129.110, 129.120, 129.130, 129.150, 129.180, 129.170, 129.180, 129.190, 129.200, 129.210, 129.220, 129.240, 129.250, 129.260, and 129.270, RSMo 1969, and sections 129.140, and 129.230, RSMo Supp. 1973, and sections 130.010, 130.015, 130.020, 130.025, 130.030, 130.035, 130.040, 130.045, 130.050, 130.055, 130.060, 130.065, 130.070, 130.075, 130.080, and 130.085, RSMo Supp. 1975, relating to campaign practices and to enact in lieu thereof nineteen new sections relating to the same subject with penalty provisions, with separate effective dates for portions of the act.

#### **SECTION**

- A. Enacting clause.
- 130.011. Definitions.
- 130.016. Certain candidates exempt from filing requirements—procedure for exemption—restrictions on subsequent contributions and expenditures—rejection of exemption.
- 130.021. Treasurer for candidates and committees, when required—duties—statement of organization for committees—contents—when filed.
- 130.026. Election authority defined—appropriate officer designated for filing of reports.
- 130.028. Prohibitions against certain discrimination or intimidation relating to elections.
- 130.029. Corporations and labor organizations may make contributions or expenditures.
- 130.031. Restrictions and limitations on contributions—records required—anonymous contributions, how handled.
- 130.036. Treasurer to maintain records, contents.
- 130.041. Disclosure reports—when files—when required—contents.
- 130.046. Times for filing of disclosure—periods covered by reports—certain disclosure reports not required—supplemental reports, when.

#### **SECTION**

- 130.051. Expenditures reported, when—contents of report—exceptions—internal dissemination, when reported—reports of out of state committees—other committee disclosure reports.
- 130.056. Secretary of State to administer chapter, duties—other appropriate officers, duties.
- 130.061. Campaign Finance Review Board—appointment—composition—term—certain acts prohibited—organization—compensation.
- 130.066. Duties of Campaign Finance Review Board—powers of Attorney General.
- 130.071. Candidate not to take office until disclosure reports filed.
- 130.081. Penalties.
- 130.086. Federal candidates exempt if in compliance with federal election laws—certain filings required.
- 130.091. When chapter applicable to elections and contributions or expenditures.
- 130.096. Severability clause.
- B. Repealing clause.
- C. Effective date.
- D. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Sections 129.070, 129.075 and 129.100, RSMo 1969 and sections 130.010, 130.015, 130.020, 130.025, 130.030, 130.035, 130.040, 130.045, 130.050, 130.055, 130.060, 130.065, 130.070, 130.075, 130.080 and 130.085, RSMo Supp. 1975, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 130.011, 130.016, 130.021, 130.026, 130.028, 130.029, 130.031, 130.036, 130.041, 130.046, 130.051, 130.056, 130.061, 130.066, 130.071, 130.081, 130.086, 130.091, and 130.096, to read as follows:

**130.011. Definitions.**—As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted;

(2) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by his political party for election to public office, an individual standing for retention in an election to an office to which he was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time he meets the conditions described in paragraphs (a) or (b) of this subdivision, and an individual who is a "write-in candidate" as defined in subdivision (3) of this section. A candidate shall be deemed to seek nomination or election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote his candidacy for office; except that, such individual shall not be deemed a candidate if he files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that he will not accept nomination or take office if elected, provided that, if the election at which such individual is supported as a candidate is to take place within five days after his learning of the above specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(3) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of "candidate" in subdivision (2) of this section;

(4) "Committee", a person or any combination of persons, except an individual (other than a candidate) dealing with his own funds or property, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure; however, a person or combination of persons, as described in this subdivision, shall not be deemed to be a committee if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars for any committee other than an incumbent committee or one thousand dollars for an incumbent committee and if no single contributor has contributed more than fifty dollars of such aggregate contributions; nor shall a person who acts as an au-

thorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee be deemed a committee if such person renders to the committee treasurer an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record keeping and reporting requirements of this chapter. The term "committee" includes, but is not limited to, each of the following specific committees:

(a) "Candidate committee", a committee which is formed by a candidate to receive contributions or make expenditures in behalf of his candidacy or a committee which is controlled directly or indirectly by a candidate in making expenditures. As set forth in section 130.021, a candidate may elect to serve as his own "candidate committee". The term "candidate committee" also means a committee organized for the purpose of supporting the candidacies of a specifically named group of two or more particular candidates seeking specifically named elective offices in the same political subdivision in a single election or in the combination of a single primary election and the immediately succeeding general election, provided that the committee has been formed by and is under the joint control and direction of such candidates. A committee is presumed to be under the control and direction of an individual candidate if the committee makes or intends to make more than seventy percent of its total expenditures to further the nomination or election of the candidate during the twelve-month period immediately preceding the election, unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on his part;

(b) "Campaign committee", a committee, other than a candidate committee, whose sole purpose is to support or oppose the nomination or election of one or more particular candidates or the qualification and passage of one or more particular ballot measures or any combination of candidates and ballot measures in a single election or in the combination of a single primary election and the immediately succeeding general election;

(c) "Continuing committee", a committee of continuing existence whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Included is any committee (sometimes referred to as a political action committee or PAC) organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and utilize contributions from the members, employees or stockholders of such entity to influence or attempt to influence the action of voters. Not included is a candidate committee or incumbent committee;

(d) "Incumbent committee", a committee organized primarily to defray expenses incidental to an individual's holding public office or to defray expenses incidental to that individual's seeking any office or position arising out of or in conjunction with the holding of the public office;

(5) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(6) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(7) "Political party committee", a state, district, county or city committee of a political party;

(8) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of qualified voters;

(9) "County", any one of the several counties of this state or the city of St. Louis;

(10) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections.

(11) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes but is not limited to:

(a) A candidate's own money or property used in support of his candidacy other than expense of his food, lodging, travel and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or other obligation, or payment of a loan of a third party if the loan was contracted, used, or intended, in whole or in part, for use in an election campaign, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization for its affiliated committee, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fundraising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of



such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within five business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining an affiliated committee, or for the solicitation of contributions to an affiliated committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee, except funds which are transferred by a candidate committee to another candidate committee controlled by the same candidate, but such transfer shall be included in the disclosure reports;

(d) The direct or indirect payment by any person, other than a connected organization for its affiliated committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fundraising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment must be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the

sort commonly performed by volunteer campaign workers and the payment by such individual of his necessary and ordinary personal expenses incidental to such volunteer activity, providing no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining an affiliated committee, or for the solicitation of contributions to an affiliated committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(14) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(15) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(16) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee;

(17) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(18) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(19) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the secretary of state and filed at the times and places prescribed;

(20) "Closing date", the date through which a statement or report is required to be complete;

(21) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to the committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization of an affiliated committee if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(22) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

**130.016. Certain candidates exempt from filing requirements—procedure for exemption—restrictions on subsequent contributions and expenditures—rejection of exemption.—1.** No candidate shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions

and expenditures for any election in which neither the aggregate contributions received nor the aggregate expenditures made on behalf of such candidate exceed five hundred dollars and no single contributor, other than the candidate, has contributed more than fifty dollars of the aggregate contributions received, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that he does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than himself, that aggregate more than fifty dollars and that the total of all contributions received or expenditures made by him and all committees or any other person with his knowledge and consent in support of his candidacy will not exceed five hundred dollars. Such exemption statement shall be filed no later than the date set forth in section 130.046 on which a disclosure report would otherwise be required if the candidate does not file the exemption statement; and

(2) The sworn exemption statement includes a statement that the candidate understands that records of contributions and expenditures must be maintained and that an exemption from filing a statement of organization or disclosure reports does not exempt him from other provisions of this chapter.

2. Any candidate who has filed an exemption statement as provided in subsection 1 of this section shall not accept any contribution or make any expenditure in support of his candidacy, either directly or indirectly or by or through any committee or any other person acting with his knowledge and consent, which would cause such contributions or expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section unless he later rejects the exemption pursuant to the provisions of subsection 3 of this section. Any contribution received in excess of such limits shall be returned to the donor or transmitted to the state treasurer to escheat to the state.

3. If, after filing the exemption statement provided for in this section, the candidate subsequently determines he wishes to exceed any of the limits in subdivision (1) of subsection 1 of this section, he shall file a notice of rejection of the exemption with the appropriate officer, however, such rejection shall not be filed later than the twelfth day before election. A notice of rejection shall be accompanied by a statement of organization as required by section 130.021 and any other statements and reports which would have been required if the candidate had not filed an exemption statement.

4. A primary election and the immediately succeeding general election are separate elections, and restrictions on contributions and expenditures set forth in subsection 2 of this section shall apply to each election; however, if a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, he shall not be required to file an exemption statement for that general election if the limitations set forth in subsection 1 of this section apply to the succeeding general election.

**130.021. Treasurer for candidates and committees, when required—duties—statement of organization for committees—contents—when filed.—1.** Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer to serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform his duties.

2. Every candidate who has not filed a statement of exemption pursuant to

the provisions of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of his candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the treasurer of his candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself as a committee of one and serving as his own treasurer, maintaining his own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting his candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under his control and direction as required by subsection 3 of section 130.041.

4. Except as provided in subsection 10 of this section, every committee shall open and thereafter maintain at least one account in its own name in not more than one state or federal bank in this state and deposit therein all contributions which it receives in money, checks or other negotiable instruments. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through the committee treasurer. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of his own funds to his candidate committee shall be deposited to the depository account of his candidate committee. No expenditure shall be made by a committee when the office of treasurer is vacant, except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until he appoints a new treasurer.

5. Every person or organization or group of persons which is a committee by virtue of the definitions of "committee" in section 130.011 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046; however, each candidate who has elected to serve as his own candidate committee and treasurer shall file a statement of organization with the appropriate officer prior to expenditures being made in support of his candidacy by him or by any other person with his knowledge and consent. Each committee in existence on the effective date of this act shall file a statement of organization within thirty days after the effective date. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (21) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(3) The names, mailing addresses and titles of its officers, if any;

(4) The name and mailing address of any connected organizations with which the committee is affiliated;

(5) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository;

(6) Identification of the major nature of the committee such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or any other committee according to the definition of "committee" in section 130.011;

(7) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(8) The name and office sought of each candidate supported or opposed by the committee;

(9) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (7) and (8) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose, in which case, an amended statement furnishing such information shall be filed no later than the date on which the next disclosure report is required to be filed by the committee.

7. A committee which has filed a statement of organization and has not terminated, shall not be required to file another statement of organization, except that when there is a change in any of the information supplied in a filed statement of organization, an amendment shall be filed no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and sworn to by the committee treasurer.

10. Notwithstanding the provisions of any other subsections of this section, a committee domiciled outside this state shall not be required to file a statement of organization nor appoint a treasurer residing in this state nor open an account in a depository within this state; provided that the following conditions prevail:

(1) The aggregate of all contributions received from persons domiciled in this state does not exceed twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state does not exceed five thousand dollars in the current calendar year.

**130.026. Election authority defined**—appropriate officer designated for filing of reports.—1. For the purpose of this section, the term "election authority" or "local election authority" means the county clerk, except that in a city

or county having a board of election commissioners the board of election commissioners shall be the election authority. For any political subdivision or other district which is situated within the jurisdiction of more than one election authority, as defined herein, the election authority is the one in whose jurisdiction the most populous portion of the political subdivision is situated, except that a county clerk or a county board of election commissioners shall be the election authority for all candidates for elective county offices and for any countywide ballot measures.

2. The appropriate officer or officers for candidates and ballot measures shall be as follows:

(1) In the case of candidates for the offices of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate court judges, the appropriate officer shall be the secretary of state;

(2) In the case of candidates for the offices of state senator, state representative and magistrate, probate and circuit court judges, the appropriate officers shall be the secretary of state and the election authority for the place of residence of the candidate;

(3) In the case of candidates for elective municipal offices in municipalities of more than one hundred thousand inhabitants and elective county offices in counties of more than one hundred thousand inhabitants, the appropriate officers shall be the secretary of state and the election authority of the municipality or county in which the candidate seeks office;

(4) In the case of all other offices, the appropriate officer shall be the election authority of the district or political subdivision for which the candidate seeks office;

(5) In the case of ballot measures, the appropriate officer or officers shall be:

(a) The secretary of state for a statewide measure;

(b) The local election authority for any political subdivision or district as determined by the provisions of subsection 1 of this section for any measure (other than a statewide measure) to be voted on in that political subdivision or district.

3. The appropriate officer or officers for candidate committees and campaign committees shall be the same as designated in subsection 2 of this section for the candidates or ballot measures supported or opposed as indicated in statement of organization required to be filed by any such committee.

4. The appropriate officer for an incumbent committee shall be the same as for a candidate for the office held by the officeholder for whom the incumbent committee was organized.

5. The appropriate officer for political party committees shall be as follows:

(1) In the case of state party committees, the appropriate officer shall be the secretary of state;

(2) In the case of any district, county or city political party committee, the appropriate officer shall be the secretary of state and the election authority for that district, county or city.

6. The appropriate officers for a continuing committee and for any other committee not named in subsections 3, 4 and 5 of this section shall be as follows:

(1) The secretary of state and the election authority for the county in which the committee is domiciled; and

(2) If the committee makes or anticipates making contributions or ex-

penditures aggregating one hundred dollars or more to support or oppose any one candidate or any one ballot measure for which the appropriate officer is an election authority other than the one for the county in which the committee is domiciled, the appropriate officers for that committee shall include such other election authority or authorities, except that committees covered by this subsection need not file statements required by section 130.021 and reports required by subsections 5, 6 and 7 of section 130.046 with any appropriate officer other than those set forth in subdivision (1) of this subsection.

7. The term "domicile" or "domiciled" means the address of the committee listed on the statement of organization required to be filed by that committee in accordance with the provisions of section 130.021.

**130.028. Prohibitions against certain discrimination or intimidation relating to elections.**—1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the violation of this section shall be a class D felony.

2. Any person aggrieved by any act prohibited by this section shall, in addition to any other remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a civil action in the courts of this state, and if successful, he shall be awarded civil damages of not less than one hundred dollars and not more than one thousand dollars, together with his costs, including reasonable attorneys fees. Each violation shall be a separate cause of action.

**130.029. Corporations and labor organizations may make contributions or expenditures.**—1. Nothing herein contained shall be construed to prohibit any corporation organized under any general or special law of this state, or any other state or by an act of the Congress of the United States or any labor organization, cooperative association or mutual association from making any contributions or expenditures, provided:

(1) That the board of directors of any corporation by resolution has au-

thorized contributions or expenditures, or by resolution has authorized a designated officer to make such contributions or expenditures; or

(2) That the members of any labor organization, cooperative association or mutual association have authorized contributions or expenditures by a majority vote of the members present at a duly called meeting of any such labor organization, cooperative association or mutual association or by such vote has authorized a designated officer to make such contributions or expenditures.

2. No provision of this section shall be construed to authorize contributions or expenditures otherwise prohibited by, or to change any necessary percentage of vote otherwise required by, the articles of incorporation or association or by-laws of such labor organization, corporation, cooperative or mutual association.

3. Authority to make contributions or expenditures as authorized by this section shall be adopted by general or specific resolution. This resolution shall state the total amount of contributions or expenditures authorized, the purposes of such contributions or expenditures and the time period within which such authority shall exist.

**130.031. Restrictions and limitations on contributions—records required—anonymous contributions, how handled.—1.** No contribution of cash in an amount of fifty dollars or more shall be made or accepted.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained in accordance with the record keeping requirements of section 130.046 to account for expenditures made from petty cash, each expenditure of twenty dollars or more, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer. A single expenditure from a petty cash fund shall not exceed forty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer his own name and address and the name and address of the actual source of each contribution he has received for that committee.

4. No anonymous contribution of more than ten dollars shall be made by any person, and no anonymous contribution of more than ten dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than ten dollars is received, it shall be returned immediately to the contributor, if his identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate or committee treasurer shall immediately transmit that portion of the contribution which exceeds ten dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to



the contributor, if his identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of ten dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than ten dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained according to the provisions of section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization under the provisions of section 130.021 or has filed the reports required by section 130.051, whichever is applicable to that committee.

**130.036. Treasurer to maintain records, contents.**—1. The treasurer of a committee, who may be a candidate who has elected to serve as his own candidate committee and committee treasurer, shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks and other detailed informa-

tion necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter. Every person who acts as an agent for a committee in receiving contributions, making expenditures or incurring indebtedness for the committee shall, on request of that committee's treasurer, but in any event within five days after any such action, render to the committee treasurer a detailed account thereof, including names, addresses, dates, exact amounts and any other details required by the treasurer to comply with this section.

2. Unless a contribution is rejected by the candidate or committee and returned to the donor or transmitted to the state treasurer within five business days after its receipt, it shall be considered received and accepted on the date received, notwithstanding the fact that it was not deposited by the closing date of a reporting period.

3. Notwithstanding the provisions of section 130.041 that only contributors of more than fifty dollars shall be reported by name and address, the committee's records shall contain a listing of each contribution received by the committee, including those accepted and those which are rejected and either returned to the donor or transmitted to the state treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name and address of the contributor and the amount of the contribution, except that any contributions from unidentifiable persons which are received through fund raising activities and events as permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts of all such contributions received together with information contained in statements required by subsection 6 of section 130.031. The procedure for recording contributions shall be of a type which enables the committee treasurer to maintain a continuing total of all contributions received from any one contributor.

4. Notwithstanding the provisions of section 130.041 that certain expenditures need not be identified in reports by name and address of the payee, the committee's records shall include a listing of each expenditure made and each contract, promise or agreement to make an expenditure, showing the date and amount of each transaction, the name and address of the person to whom the expenditure was made or promised, and the purpose of each expenditure made or promised.

5. In the case of a committee which makes expenditures for both the support or opposition of any candidate and the passage or defeat of a ballot measure, the committee treasurer shall maintain records segregated according to each candidate or measure for which the expenditures were made.

6. Records shall indicate which transactions, either contributions received or expenditures made, were cash transactions or in-kind transactions.

7. All records and accounts of receipts and expenditures of a committee shall be preserved for at least three years after the date of the election to which the accounts refer, and such records shall be available for inspection by the campaign finance review board and its duly authorized representatives.

**130.041. Disclosure reports—who files—when required—contents.—1.** Every committee which is required to file a statement of organization, including a candidate who has elected to serve as his own candidate committee, shall file a legibly printed or typed disclosure report of receipts and expenditures for any election for which the committee makes expenditures or contributions or for which the committee receives contributions with the intent to make expenditures or contributions. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed

in section 130.046. Except as provided in section 130.051, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer.

(2) The amount of money, including cash on hand at the beginning of the reporting period and, for committees in existence on the effective date of this act, the amount of money, including cash on hand on the effective date of this act.

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollars value of all in-kind contributions received;

(e) A separate listing by name and address of each person from whom the committee received one or more contributions, in money or any other thing of value, aggregating more than fifty dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of one hundred dollars or more, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of fifty dollars or more has been made or contracted for, together with the date, amount and purpose of each expenditure. Expenditures of less than fifty dollars may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name,

mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed in accordance with subdivision (4) of subsection 1 of this section;

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate, committee or other person to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except section 130.051 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end on the closing date of the reporting period for the report or statement required;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee, a continuing committee or an incumbent committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. In the case of a candidate who has more than one candidate committee under his control and direction, the report of the candidate committee designated in subsection 3 of section 130.021 shall contain a listing by name and address of each person contributing an aggregate of more than fifty dollars to all of the candidate committees under the control and direction of such candidate.

4. The disclosure report shall be signed and sworn to by the committee treasurer.

**130.046. Time for filing of disclosure—periods covered by reports—certain**

**disclosure reports not required—supplemental reports, when.—1.** The disclosure reports required by section 130.041 shall be filed at the following times and for the following periods:

(1) Not later than the fortieth day before an election for the period closing on the forty-fifth day before election; and

(2) Not later than the seventh day before an election for the period closing on the twelfth day before election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, except that, a successful candidate who takes office prior to the twenty-fifth day after election shall have complied with the reporting requirement of this subdivision if a disclosure report is filed by him and any candidate committee under his control before he takes office, and such report shall be for the period closing on the day before taking office.

2. The reports required to be filed not later than the seventh day before an election and not later than the thirtieth day after an election and any subsequent required reports shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed, except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term "candidate" in section 130.011.

3. As used in this section, the phrase "most recent disclosure report filed" or "previously filed a disclosure report" means the most recent report of contributions and expenditures filed in accordance with the provisions of any law in effect which required candidates and committees to file reports of election campaign expenditures. Nothing in this chapter shall be interpreted to exempt a person disclosing transactions which occurred before the effective date of this enactment if the disclosure of such transactions was required by a law in effect before the effective date of this enactment.

4. Other provisions of this chapter to the contrary notwithstanding:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the fortieth day before the general election need not be filed provided that any other report required to be filed prior to the primary election and all other reports required to be filed not later than the seventh day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report need be filed by the treasurer of any committee if by the closing date for the report the committee has neither received contributions nor made expenditures in the aggregate in excess of one hundred dollars since the closing date of the previously filed disclosure report and if the treasurer files

under oath a notarized statement with the appropriate officer stating that neither the aggregate amount of contributions received nor the aggregate amount of expenditures made by the committee during the reporting period exceeded one hundred dollars. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report, must be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of two or more consecutive reports if either the contributions received or expenditures made in the aggregate during those reporting periods exceed one hundred dollars. This statement may not be filed in lieu of the report required to be filed not later than the thirtieth day after an election if that report would show either a deficit or surplus in excess of one hundred dollars.

5. If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five hundred dollars, quarterly supplemental disclosure reports shall be filed with the appropriate officer for each succeeding calendar quarter until the deficit is reduced to less than five hundred dollars, except that a supplemental quarterly report shall not be required for any calendar quarter which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for quarterly supplemental reports shall be not later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September.

6. If, after filing the disclosure report required to be filed not later than the thirtieth day after election, a committee other than an incumbent committee, during a calendar year, receives additional contributions or makes additional expenditures aggregating five hundred dollars or more or receives an aggregate of more than fifty dollars from any one person, a supplemental disclosure report shall be filed not later than the fifteenth day of January for the period closing on the preceding thirty-first day of December, except that such additional disclosure report shall not be required if, within sixty days prior to or following the thirty-first day of December, the committee is required to file any other disclosure report.

7. In the case of a committee which disbands and is required to file a termination statement under the provisions of section 130.021, with the appropriate officer not later than the tenth day after the committee was dissolved, the committee treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 5 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsections 5 or 6 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report, and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner.

**130.051. Expenditures reported, when—contents of report—exceptions—internal dissemination, when reported—reports of out of state committees—other committee disclosure reports.—1.** Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more in support of or opposition to one or more candidates or in support of or in opposition to the qualification or passage of one or more ballot measures, other than

a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditure, or that person's authorized agent, disclosing the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure. Such report shall be filed with the appropriate officer for the candidate or ballot measure in question as set forth in section 130.026 within fourteen days after date of making an expenditure which by itself or when added to all other such expenditures during the same campaign equals an amount in excess of one hundred dollars. If, after filing such report, additional expenditures are made, a further report shall be filed at the date set forth in section 130.046 for any reporting period in which the additional expenditures are made; except that, if any such expenditure amounting to five hundred dollars or more is made within fourteen days prior to an election, the report shall be filed within forty-eight hours after the date of such expenditure. The provisions of this subsection shall not apply to a person who uses only its funds or resources to make an expenditure or expenditures in support of or in coordination or consultation with a candidate or committee, provided that any such expenditure is recorded as a contribution to that candidate or committee and so reported by the candidate or committee being supported by the expenditure or expenditures.

2. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity, except a committee as defined in this act, of information advocating the election or defeat of a candidate or the passage or defeat of a ballot measure to its members, employees or shareholders, the cost of which is more than two thousand dollars in support of or in opposition to one or more candidates or in support of or in opposition to the qualification or passage of one or more ballot measures in a calendar year, other than a contribution made directly to a candidate or committee, shall be reported in a report signed by the person responsible for making the expenditure, or that person's authorized agent, disclosing the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of the dissemination of information. Such report shall be filed with the appropriate officer for the candidate or ballot measure in question as set forth in section 130.026 within fourteen days after the date of making an expenditure. If, after filing such report, additional expenditures are made, a further report shall be filed at the date set forth in section 130.046 for any reporting period in which the additional expenditures are made; except that, if any such expenditure amounting to five hundred dollars or more is made within fourteen days prior to an election, the report shall be filed within forty-eight hours after the date of such expenditure.

3. An out-of-state committee which, according to the provisions of subsection 10 of section 130.021, is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the secretary of state according to the provisions of this subsection if the committee makes contributions or expenditures in support of or in opposition to candidates or ballot issues in this state in any election covered by this chapter. An initial report shall be filed on or within fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state, and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046. Each report shall contain:

(1) The full name and address of the committee making the report and the name, residential and business addresses and telephone numbers of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club or other organization, or any business entity with which the committee is affiliated;

(3) A list showing the aggregate amount expended in support of each particular candidate or in support or opposition to each particular ballot measure in this state;

(4) A list by name, address and amount contributed by each person who contributed an aggregate amount of one hundred dollars or more to the reporting committee during the preceding twelve months.

4. In the case of a political party committee's selection of an election covered by this chapter any individual who seeks such nomination and who is a candidate according to the definition of the term "candidate" in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not strictly apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate (as the term "candidate" is defined in section 130.011) and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

5. Each incumbent committee shall, in addition to reports and statements required to be filed under the provisions of other sections of this chapter, file an annual disclosure report not later than the thirty-first day of each January for the period closing on the preceding thirty-first day of December. The report shall contain a listing of all receipts, including transfer of funds from any previous election campaign of the incumbent officeholder, and disbursements during such period whether or not such receipts and disbursements are considered to be "contributions" or "expenditures" as defined in section 130.011, except that expenditures by the officeholder of his own funds for his food, lodging and operation of his personal automobile need not be reported. Receipts aggregating more than fifty dollars from any one person during the preceding calendar year shall be listed by name, address, and total dollar amount. Disbursements aggregating fifty dollars or more to any one person in the preceding calendar year shall be listed by name, address, date, amount and purpose of the disbursement with all other disbursements grouped and listed by category of disbursement. The disclosure report shall be signed by the committee treasurer and notarized and shall include a verification statement attesting that, to the knowledge of the treasurer, and the incumbent officeholder shall also verify in writing that, to the best of the officeholder's knowledge, the report is true and complete.

6. The receipt of any late contribution or loan of more than one thousand dollars by a candidate committee supporting a candidate for statewide office or more than five hundred dollars by any other committee shall be reported to the appropriate officer within forty-eight hours after receipt. For the purpose of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.



**130.056. Secretary of State to administer chapter, duties—other appropriate officers, duties.—1.** The secretary of state shall administer the provisions of this Chapter and, in connection therewith, shall:

(1) Develop and publish forms and printed instructional material and furnish such forms and instructions to persons required to file reports and statements pursuant to the provisions of this chapter, together with a summary of the provisions of chapter 115, RSMo. which apply to candidates and committees covered by this chapter. All forms furnished under this chapter shall clearly state in readable type on the face of the form the date on which the form became effective;

(2) Develop a filing, coding and cross-indexing system for reports and statements required to be filed with his office, and preserve such reports and statements for a period of not less than five years from date of receipt;

(3) Make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(4) Examine each report and statement filed with his office under the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;

(5) Notify a person required to file a report or statement under this chapter with the secretary of state immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

(6) From reports filed with him, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;

(7) From reports filed with him, prepare and publish such other reports as he may deem appropriate;

(8) Disseminate statistics, summaries, and reports prepared under this chapter.

2. Each appropriate officer other than the secretary of state shall assist the secretary of state and the campaign finance review board and further shall:

(1) Assist the secretary of state in furnishing forms and printed instructional material to persons required to file reports and statements under the provisions of this chapter;

(2) Accept reports and statements required to be filed with his office;

(3) Develop for his constituency a filing, coding, and cross-indexing system consonant with the purposes of this chapter;

(4) Make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) Preserve such reports and statements for a period of not less than five years from the date of receipt;

(6) Examine each report and statement filed with his office under the requirements of this chapter to determine if the reports and statements appear to be complete and filed within the required time;

(7) Notify a person required to file a report or statement under this chapter immediately if, upon examination of the circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

3. Any person, other than a representative of a newspaper or other news media acting in his official capacity, receiving from an appropriate officer a copy of, or who is permitted to make a copy of, any report or statement filed under the requirements of this chapter shall sign a statement that he will not utilize the reports or statements or any information thereon for soliciting contributions or for any commercial use whatsoever and will not transfer the information obtained to any other persons for such purposes. This signed statement shall be attached to the file indicating the report or statement which has been copied. It shall be the responsibility of each appropriate officer to instruct any person making a request, to inspect, copy or receive a copy of any report or statement or any portion of a report or statement filed under this chapter that the utilization of any information obtained from such reports for soliciting contributions or for any commercial purpose is a violation of this chapter.

**130.061. Campaign Finance Review Board—appointment—composition—term—certain acts prohibited—organization—compensation.—1.** There is hereby created the "Campaign Finance Review Board". The board shall be composed of six members to be appointed by the governor in the following manner: One member shall be appointed from a list of two nominees submitted to the governor by the chairman of the central committee of the state political party receiving the highest number of votes for governor at the last preceding general election at which a governor was elected; one member shall be appointed from a list of two nominees submitted to the governor by the chairman of the central committee of the state political party receiving the second highest number of votes for governor at the last preceding general election at which a governor was elected; one member shall be appointed from a list of two nominees submitted to the governor by the president pro tem of the state senate; one member shall be appointed from a list of two nominees submitted to the governor by the speaker of the house of representatives; and the remaining two members shall be appointed by the governor from the citizenry of the state at large. No more than three of the members of the board shall be members of the same political party. Members shall serve for a term of six years; except that of the members first appointed, one shall be appointed for a term of six years, one shall be appointed for a term of five years, one shall be appointed for a term of four years, one shall be appointed for a term of three years, one shall be appointed for a term of two years, and one shall be appointed for a term of one year. Prior to making the first appointments to the board, the governor shall notify the chairman of the central committee of each of the two political parties receiving the highest number of votes for governor at the last preceding general elections at which a governor was elected and the president pro tem of the senate and the speaker of the house of representatives. The list of nominees required by this section shall be sent to the governor within twenty days of the receipt of the governor's notice. The first appointments to the board shall be made within forty-five days after the effective date of this act. The governor shall make all subsequent appointments to the board within twenty days after receiving the list of nominees for the position involved. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. No member who has been appointed for a six-year term shall be eligible for reappointment. Individuals chosen to fill a vacancy and individuals chosen to succeed a member whose term has expired shall be

nominated and appointed in the same manner as the member whom he is replacing. Notification of a vacancy or the expiration of a term shall be given within ten days after the vacancy occurs or within sixty days prior to the expiration of the term. If the governor fails or refuses to make an appointment within twenty days after receiving the list of nominees, or in the case of the first appointments to the board, within forty-five days after the effective date of this act, the person authorized to prepare the list of nominees for the position to be filled shall make the appointment.

2. No member of the board during his tenure, shall hold or seek election to any public office, serve as an officer of any political party or partisan organization, contribute to or participate in any election campaign covered by this chapter other than to cast his vote, or act as a lobbyist before or to any elected officials or body of elected officials; however, appearance before members of the general assembly to explain the operation and activities of the board shall not be deemed lobbying. Members of the board may be removed by the governor, with concurrence of the senate, for neglect of duty, misconduct in office, inability to discharge the duties of office or violation of this subsection, after written notice and opportunity for a public hearing before a committee of the senate before the matter is referred to the full senate for concurrence or nonconcurrence.

3. The board shall annually elect one member to serve as chairman of the board and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office, and four members of the board shall constitute a quorum. The board shall adopt its own rules of procedure.

4. Each member of the board shall receive, as full compensation for his services, the sum of fifty dollars per day for each full day actually spent on the work of the board, and his actual and necessary expenses incurred in the performance of duty pertaining to his office, and no board member shall receive any compensation, either directly or indirectly, for his services except as herein provided.

5. All members, officers, agents, attorneys and employees of the board shall be subject to the provisions set forth in chapter 36, RSMo, prohibiting political activity of state employees.

6. The board shall be assigned to the office of the secretary of state. Supervision by the secretary of state shall be limited to budgeting and, except for the duties assigned to the secretary of state in section 130.056, shall not extend to substantive matters relating to policies or enforcement functions.

**130.066. Duties of Campaign Finance Review Board—powers of Attorney General.—1.** The board shall have the following functions:

(1) Appoint an administrator who shall serve at the pleasure of the board. The administrator shall be responsible for the administrative operations of the board and shall perform such other duties as are assigned by the board. The board shall fix the compensation of the administrator and other employees within the limits of appropriations to the board;

(2) Assist the secretary of state in furnishing forms and instructions for reports, statements and other information required to be filed under provisions of this chapter to persons required to file such reports and statements;

(3) Assist the secretary of state in preparing a summary of the provisions of this chapter and in distributing copies of the summary to all appropriate officers, who shall make a copy of the summary available, without charge and upon request, to any person subject to the provisions of this chapter;

(4) Take such steps as are necessary to disseminate among the general public such information as may serve to guide all persons who may become subject to

the provisions of this chapter by reasons of their participation in election campaigns for the purpose of facilitating voluntary compliance with the provisions and purposes of this chapter;

(5) Review reports and statements filed with the appropriate officers and upon review, if there are reasonable grounds to believe that a violation has occurred, may conduct an audit of such reports and statements. Any audit or investigation of a candidate's or his committee's reports and statements shall include an audit of the reports and statements of his opponent or opponents as well. All investigations by the board prior to an election shall be strictly confidential. Revealing any investigation information prior to such an election shall be a violation of this chapter and shall be cause for removal or dismissal of a board member or board employee. Details of all investigations shall be confidential with the exception of notification of the complainant or the person under investigation;

(6) Upon sworn written complaint of any citizen or upon findings reported to the board by the secretary of state, or other appropriate officers, audit and report apparent violations of this chapter to the appropriate prosecuting attorney;

(7) When the prosecuting attorney fails or refuses to initiate prosecution under this chapter within sixty days after he is made aware by complaint of an alleged violation, the Attorney General may, where he deems it necessary, take full charge of any investigation of such violation and may initiate prosecution by information or otherwise for the alleged violation;

(8) Within sixty days after receipt of a sworn written complaint alleging violation of any provision of this chapter, notify the complainant in writing of the action, if any, the board has taken or plans to take on the complaint. If an investigation conducted pursuant to a sworn written complaint fails to establish probable cause for belief that a violation has occurred, the board shall terminate the investigation and so notify the complainant and the person who had been under investigation and shall state the reasons for the disposition of the complaint.

**130.071. Candidate not to take office until disclosure reports filed.**—If a successful candidate, or the treasurer of his candidate committee fails to file the disclosure reports which are required by this chapter, the candidate shall not take office until such reports shall have been filed.

**130.081. Penalties.**—1. Until January 1, 1979, any person who purposefully violates the provisions of this chapter is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than five thousand dollars or by confinement in the county jail for a term of not more than one year, or by both such fine and confinement. After January 1, 1979, any person who purposefully violates the provisions of this chapter is guilty of a class A misdemeanor.

2. Notwithstanding any other provision of law which bars prosecutions for any offenses other than a felony unless commenced within one year after the commission of the offense, any offense under the provisions of this chapter may be prosecuted if the indictment be found or prosecution be instituted within three years after the commission of the alleged offense. No prosecution for any violation under law existing prior to September 8, 1978 shall be barred by this chapter if instituted prior to September 8, 1979.

**130.086. Federal candidates exempt if in compliance with federal election laws—certain filings required.**—Notwithstanding any of the other provisions of this chapter, national political party committees, candidates for elective federal offices and any committee formed for the sole purpose of supporting a candidate or candidates for elective federal office shall be deemed to have fully complied with the provisions of this chapter if they have complied with all the reporting

requirements of the federal election laws, and if copies of all election reports which are required by federal law to be filed with appropriate federal officials are filed with the secretary of state at the same time that they are filed with federal officials, and if all books and records relating thereto are kept in accordance with federal law.

**130.091. When chapter applicable to elections and contributions or expenditures.**—1. All sections contained in chapter 130, RSMo, shall apply only to those elections held on or after August 13, 1978 and to contributions received and expenditures made after August 13, 1978.

**130.096. Severability clause.**—1. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared severable.

**Section B. Repealing clause.**—Sections 129.110, 129.120, 129.130, 129.150, 129.160, 129.170, 129.180, 129.190, 129.200, 129.210, 129.220, 129.240, 129.250, 129.260 and 129.270, RSMo 1969, and sections 129.140 and 129.230, RSMo Supp. 1973, are repealed.

**Section C. Effective date.**—Section A of this act shall become effective August 13, 1978.

**Section D. Effective date.**—Section B of this act shall become effective September 8, 1978.

Approved June 15, 1978.

#### [H. C. S. B. 727]

### **SUFFRAGE AND ELECTIONS: Preference election within the Meramec Basin.**

#### **AN ACT relating to a certain preference election, with an emergency clause.**

##### **SECTION**

1. Preference election, Meramec Basin, counties included.
2. Election conducted by appropriate officials, certification, costs.

##### **SECTION**

3. Ballot form.
- A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Preference election, Meramec Basin, counties included.**—A preference election shall be called by the governor, and it shall be held within the Meramec basin on primary election day, August 8, 1978. For the purposes of this act the Meramec basin includes the counties of Crawford, Washington, Franklin, Jefferson, St. Louis, Iron, Phelps, Dent, St. Francois, Maries, Gasconade and St. Charles, and the city of St. Louis.

**Section 2. Election conducted by appropriate officials, certification, costs.**—The election shall be conducted by the appropriate election officials within the Meramec basin in the same manner and in all other respects as in elections for state and county offices. The results of the election shall be certified to the secretary of state. The costs of the election shall be paid and notice of the election shall be given as otherwise provided by law.

**Section 3. Ballot form.**—The proposition shall be submitted in the following form:

Shall the Meramec Dam and Meramec Park Lake be constructed?

☐ Yes

☐ No

**Section A. Emergency clause.**—Because questions with respect to the advisability of continued funding and construction of the Meramec dam and Meramec park lake should be resolved promptly to give direction to the Missouri congressional delegation, this act is deemed necessary for the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 12, 1978.

[S. B. 661]

**TAXATION AND REVENUE: Uniform procedure for administrative review by the Administrative Hearing Commission of disputes involving certain state agencies.**

AN ACT to repeal sections 138.430, 144.200, 144.210, 144.230, 144.240, 144.250, 144.281, 144.290, 144.360, 144.370, 144.680, 144.685, 144.700, 144.715, 147.100, 147.110, 148.070, 148.190, 161.272, 161.292, 161.332, 161.342, 196.435, 197.070, 198.140, 311.680, 311.690, 311.700, 536.050, and 536.070, RSMo 1969, and sections 142.080, 142.442, 142.452, 142.492, 142.571, 143.631, 143.651, 143.661, 143.671, 143.701, 143.821, 143.831, 143.841, 143.891, 143.901, 149.035, 190.165, 190.170, 195.040, 197.220, 198.430, and 202.915, RSMo Supp. 1975, and section 161.252, RSMo Supp. 1977, and to enact in lieu thereof sixty-three new sections for the purpose of providing for a more uniform procedure for administrative review by the administrative hearing commission of disputes involving certain state agencies, with an effective date.

#### SECTION

1. Enacting clause.
- 136.245. Legal counsel for director of revenue before Administrative Hearing Commission.
- 136.255. Period of stay or suspension not part of time limits for assessment or collection of taxes, interest or penalties.
- 136.300. Burden of proof in proceedings or appeal on taxpayer, exceptions.
- 136.310. Evidence of related federal determination admissible, when.
- 138.430. Right of appeal—investigation.
- 142.080. Refusal to issue license certificate—review by Administrative Hearing Commission.
- 142.442. Director may refuse to issue license or trip permit, when—review by Administrative Hearing Commission.
- 142.452. Surrender of license, effect of—revocation, ground for—review by Administrative Hearing Commission.
- 142.492. Director may prescribe forms and require information—penalty.
- 142.571. Review of assessment by Administrative Hearing Commission.
- 143.631. Protest by taxpayer, effect of.
- 143.651. Action of director of revenue final—review.

#### SECTION

- 143.661. Burden of proof on taxpayer, exceptions.
- 143.671. Evidence of related federal determination admissible, when.
- 143.701. Assessment of tax.
- 143.821. Refund claim.
- 143.831. Notice of director's action.
- 143.841. Protest of denied claim.
- 143.891. Jeopardy assessments.
- 143.901. Bankruptcy or receivership, claims for deficiency.
- 144.200. Appropriation for refunds.
- 144.210. Burden of proving questionable sale on seller—exemption certificates—additional assessment—notice.
- 144.230. Assessed penalty and tax due, when.
- 144.240. Petition for reassessment.
- 144.250. Estimate of delinquent tax—assessment—penalty—notice.
- 144.261. Review by Administrative Hearing Commission.
- 144.290. Duty of director in collecting tax of itinerant seller.
- 144.700. Revenue placed in treasury—payment under protest, disposition—form of protest—appeal.
- 144.715. Notices served, how.
- 147.100. Tax commission may require information—review by Administrative Hearing Commission.

## SECTION

- 148.070. Review when director computes tax as being greater than amount paid.
- 148.190. Notice to taxpayer of increase of tax—review of director's determination.
- 149.035. Wholesaler's license required, fee—revocation, suspension or refusal to issue, when—review.
- 162.252. Administrative Hearing Commission, number of commissioners—qualifications—appointment—term—compensation.
- 161.263. Individual commissioners to have authority of entire commission—exceptions—procedure before commission.
- 161.272. Commission to conduct hearings, make determinations—boards included.
- 161.273. Administrative Hearing Commission to hear appeals from director of revenue—procedures—interest—burden of proof.
- 161.292. Commission's findings and recommendations—hearing by agency on disciplinary action.
- 161.332. Judicial review.
- 161.333. Commission to make declaratory judgments respecting validity of administrative rules.
- 161.334. Notice on receipt of complaint—contents.
- 161.335. Hearings on validity of rules not contested case—procedure in hearing.
- 161.336. Decisions on validity of rules.
- 161.337. Judicial review.
- 161.338. Decision of commission to be upheld, when.
- 161.342. Commission to make rules of procedure—contents—where filed.

## SECTION

- 190.165. Suspension or revocation of licenses, grounds for.
- 190.171. Aggrieved party may seek review by Administrative Hearing Commission.
- 195.040. Registration requirements—revocation and suspension—review by Administrative Hearing Commission.
- 196.435. Revocation of licenses.
- 196.436. Review by Administrative Hearing Commission.
- 197.070. Denial, suspension or revocation of license.
- 197.071. Review by Administrative Hearing Commission.
- 197.220. Denial, suspension on revocation of license.
- 197.221. Review by Administrative Hearing Commission.
- 198.140. Revocation, denial, suspension or refusal to renew license.
- 198.141. Review by Administrative Hearing Commission.
- 198.430. License refused, suspended or revoked, when—review by Administrative Hearing Commission.
- 202.915. Denial, suspension or revocation of license—review by Administrative Hearing Commission.
- 311.680. Disorderly place—suspension or revocation of license, when—notice.
- 311.691. Review by Administrative Hearing Commission.
- 536.050. Declaratory judgments respecting the validity of rules—determination of validity of rules by Administrative Hearing Commission.
- 536.070. Evidence—witnesses—objections—judicial notice—affidavits as evidence—transcript.
- A. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 138.430, 144.200, 144.210, 144.230, 144.240, 144.250, 144.261, 144.290, 144.360, 144.370, 144.680, 144.685, 144.700, 144.715, 147.100, 147.110, 148.070, 148.190, 161.272, 161.292, 161.332, 161.342, 196.435, 197.070, 198.140, 311.680, 311.690, 311.700, 536.050, and 536.070, RSMo 1969, and sections 142.080, 142.442, 142.452, 142.492, 142.571, 143.631, 143.651, 143.661, 143.671, 143.701, 143.821, 143.831, 143.841, 143.891, 143.901, 149.035, 190.165, 190.170, 195.040, 197.220, 198.430, and 202.915, RSMo Supp. 1975 and section 161.252, RSMo Supp. 1977, are repealed and sixty-three new sections enacted in lieu thereof, to be known as sections 136.245, 136.255, 136.300, 136.310, 138.430, 142.080, 142.442, 142.452, 142.492, 142.571, 143.631, 143.651, 143.661, 143.671, 143.701, 143.821, 143.831, 143.841, 143.891, 143.901, 144.200, 144.210, 144.230, 144.240, 144.250, 144.261, 144.290, 144.700, 144.715, 147.700, 148.070, 148.190, 149.035, 161.252, 161.263, 161.272, 161.273, 161.292, 161.332, 161.333, 161.334, 161.335, 161.336, 161.337, 161.338, 161.342, 190.165, 190.171, 195.040, 196.435, 196.436, 197.070, 197.071, 197.220, 197.221, 198.140, 198.141, 198.430, 202.915, 311.680, 311.691, 536.050, and 536.070, to read as follows:

**136.245. Legal counsel for director of revenue before Administrative Hearing Commission.**—When the director of revenue is a party to any proceedings before the administrative hearing commission, he may be represented by legal counsel from the department of revenue.

**136.255. Period of stay or suspension not part of time limits for assessment or collection of taxes, interest or penalties.**—When the administrative hearing commission or any court of competent jurisdiction issues an order to stay or suspend any action of the director of revenue with respect to the assessment or collection of any taxes, interest or penalties, the period of such stay or suspension shall not be deemed or taken as any part of the time limited for the assessment or collection of such taxes, interest or penalties.

**136.300. Burden of proof in proceedings or appeal on taxpayer, exceptions.**—In any proceeding before the director of revenue or upon review by the administrative hearing commission the burden of proof shall be on the taxpayer except for the following issues, as to which the burden of proof shall be on the director of revenue:

- (1) Whether the tax payer has been guilty of fraud with attempt to evade tax;
- (2) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax); and
- (3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and protest filed, unless such increase in deficiency is the result of change or correction of federal taxable income required to be reported by the taxpayer, and of which change or correction the director of revenue had no knowledge or notice at the time he mailed the notice of deficiency.

**136.310. Evidence of related federal determination admissible, when.**—Evidence of a final federal determination relating to issues raised in any proceeding before the director of revenue or upon review of the director of revenue's determination by the administrative hearing commission shall be admissible.

**136.430. Right of appeal—investigation.**—Every owner of real property or tangible personal property and every merchant and manufacturer shall have the right of appeal from the local boards of equilization under rules prescribed by the state tax commission. Said commission shall investigate all such appeals and shall correct any assessment which is shown to be unlawful, unfair, improper, arbitrary or capricious.

**142.080. Refusal to issue license certificate—review by Administrative Hearing Commission.**—1. The director of revenue shall refuse to issue a license certificate in any of the following situations:

- (1) Where the application for a license to transact business as a distributor in this state shall be filed by any person whose license shall at any time theretofore have been canceled for cause;
- (2) Where the director of revenue shall be of the opinion that such application is not in good faith;
- (3) Where such application is filed by some person as a subterfuge to enable some person whose license has been canceled for cause to continue in the business as a distributor;
- (4) Where such application is filed by any person who held a license under the provisions of sections 142.010 to 142.350 and who is indebted to the state for any taxes, penalties, or interest accruing hereunder;
- (5) Where such application is filed by a person who managed, operated, owned or controlled, directly or indirectly, a corporation which held a license under sections 142.010 to 142.350, which corporation is indebted to the state for any tax, penalties or interest accruing hereunder;
- (6) Where such application is filed by a corporation that is managed, operated,



owned or controlled, directly or indirectly, by any person who held a license under the provisions of sections 142.010 to 142.350, who is indebted to the state for any tax, penalties, or interest accruing hereunder;

(7) Where such application is filed by a corporation that is managed, operated, owned, or controlled, directly or indirectly, by any person who managed, operated, **owned or controlled**, directly or indirectly, a corporation licensed under sections 142.010 to 142.350, which is indebted to the state for any tax, penalties, or interest accruing hereunder.

2. Any applicant whose application for a license certificate has been refused by the director pursuant to the provisions of this section may seek review of the director of revenue's determination by the administrative hearing commission.

**142.442. Director may refuse to issue license or trip permit, when—review by Administrative Hearing Commission.—**1. The director may refuse to issue a license or trip permit if he finds the application therefor:

(1) If filed by any person whose license or permit at any time theretofore has been revoked for cause by the director, or

(2) Contains any misrepresentation, misstatement of material information required by the application, or

(3) Is filed by some person as subterfuge for the real person in interest whose license or permit theretofore has been revoked for cause by the director, or

(4) Is filed by any person who is delinquent in the payment of any fee, tax, penalty.

2. Any applicant whose application for a license or trip permit has been refused by the director pursuant to the provisions of this section may seek review of the director of revenue's decision by the administrative hearing commission.

**142.452. Surrender of license, effect of—revocation, ground for—review by Administrative Hearing Commission.—**1. When any person ceases to be a licensee, by reason of discontinuance, sale or transfer of his business at any location, he shall notify the director in writing at the time the discontinuance, sale or transfer takes effect. The notice shall give the date of discontinuance and in the event of a sale or transfer of the business, the name and address of the purchaser or transferee. All taxes, penalties and interest not yet due and payable under the provisions of this chapter shall, notwithstanding such provisions, be due and payable concurrently with the discontinuance, sale or transfer and the licensee shall make a report and pay all taxes, penalties and interest and surrender to the director the licensee certificate issued to him, together with all duplicates and copies. Unless such notice has been given to the director, the seller and his surety shall be liable for the taxes, penalties and interest accruing against the transferee, but only to the extent of the value of the property transferred.

2. The director may revoke the license of a person who refuses or neglects to comply with any provision of this chapter or any regulation pursuant to this chapter. Any person whose license is revoked may seek review of the director of revenue's decision by the administrative hearing commission.

**142.492. Director may prescribe forms and require information—penalty.—**1. The director or any person designated by him may, in the enforcement of sections 142.362 to 142.611, conduct investigations he deems necessary.

2. The director may prescribe the forms upon which reports are made to him and other forms and information he deems necessary in the enforcement of sections 142.362 to 142.611, and may require periodic submission of information from any person dealing in, transporting or storing special fuel.

3. A person who violates any provision of sections 142.362 to 142.611, including the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, his authorized agents or the Missouri highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a misdemeanor and punishable as prescribed by law.

**142.571. Review of assessment by Administrative Hearing Commission.**—A licensee against whom assessment is made pursuant to section 142.531 or 142.561 may have the decision of the director of revenue reviewed by the administrative hearing commission.

**143.631. Protest by taxpayer, effect of.**—Within ninety days (one hundred fifty days if the taxpayer is outside the United States) after the mailing of a notice of deficiency, the taxpayer may file with the director of revenue a written protest against the proposed assessment in which he shall set forth the grounds on which the protest is based. If a protest is filed, the director of revenue shall reconsider the proposed deficiency.

**143.651. Action of director of revenue final—review.**—The action of the director of revenue on the taxpayer's protest is final upon the expiration of thirty days from the date when he mails notice of his action to the taxpayer unless within this period the taxpayer seeks review of the director of revenue's determination by the administrative hearing commission.

**143.661. Burden of proof on taxpayer, exceptions.**—In any proceeding before the director of revenue or on appeal under sections 143.011 to 143.996 the burden of proof shall be on the taxpayer except for the following issues, as to which the burden of proof shall be on the director of revenue:

(1) Whether the taxpayer has been guilty of fraud with attempt to evade tax;

(2) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax);

(3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and a protest under section 143.631 filed, unless such increase in deficiency is the result of a change or correction of federal taxable income required to be reported under section 143.601, and of which change or correction the director of revenue had no notice or knowledge at the time he mailed the notice of deficiency.

**143.671. Evidence of related federal determination admissible, when.**—Evidence of a federal determination relating to issues raised in a proceeding under section 143.631 shall be admissible, under rules established by the administrative hearing commission.

**143.701. Assessment of tax.**—1. The amount of tax which is shown to be due on the return (including revisions for mathematical errors) shall be deemed to be assessed on the date of filing of the return including any amended returns showing an increase of tax. In the case of a return properly filed without the computation of the tax, the tax computed by the director of revenue shall be deemed to be assessed on the date when payment is due. If a notice of deficiency has been mailed, the amount of the deficiency shall be deemed to be assessed on the date provided in section 143.621 if no protest is filed; or, if a protest is filed, then upon the date when the determination of the administrative hearing commission becomes final. If an amended return or report filed pursuant to section 143.601

concedes the accuracy of a federal change or correction, any deficiency in tax under sections 143.011 to 143.996 resulting therefrom shall be deemed to be assessed on the date of filing such report or amended return and such assessment shall be timely notwithstanding any other provisions of sections 143.011 to 143.996. Any amount paid as a tax or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax, shall be deemed to be assessed upon the date of receipt of payment, notwithstanding any other provision of sections 143.011 to 143.996.

2. If the mode or time for the assessment of any tax under sections 143.011 to 143.996, including interest, additions to tax, and penalties is not otherwise provided for, the director of revenue may establish the same by regulation.

3. The director of revenue may, at any time within the period prescribed for assessment, make a supplemental assessment, subject to the provisions of section 143.611 where applicable, whenever it is found that any assessment is imperfect or incomplete in any material aspect.

**143.821. Refund claim.**—Every claim for refund shall be filed with the director of revenue in writing and shall state the specific grounds upon which it is founded.

**143.831. Notice of director's action.**—The director of revenue shall mail notice of his action on the claim for refund within one hundred twenty days of the mailing of such claim. The action denying a claim for refund is final upon the expiration of ninety days from the date when he mails notice of his action to the taxpayer, except only for such amounts as to which the taxpayer has filed a protest with the administrative hearing commission.

**143.841. Protest of denied claim.**—1. Within ninety days after denial of the claim, the taxpayer may file with the director of revenue a written protest against such denial setting forth the grounds on which the protest is based. If a protest is filed, the director of revenue shall reconsider the denial.

2. Within ninety days after the filing of a protest, notice of the director of revenue's determination shall be mailed to the taxpayer by certified or registered mail and such notice shall set forth briefly the director of revenue's findings of fact and the basis of decision in each case decided in whole or in part adversely to the taxpayer.

3. The action of the director of revenue on the taxpayer's protest is final upon the expiration of thirty days from the date when he mails notice of his action to the taxpayer unless within this period the taxpayer seeks review of the director of revenue's determination by the administrative hearing commission.

**143.891. Jeopardy assessments.**—1. If the director of revenue finds that the assessment or the collection of a tax or a deficiency for any year, current or past, will be jeopardized in whole or in part by delay, he may mail or issue notice of his finding to the taxpayer, together with a demand for immediate payment of the tax or the deficiency declared to be in jeopardy, including additions to tax, interest, and penalties.

2. In the case of a tax for a current period, the director of revenue shall declare the taxable period of the taxpayer immediately terminated and his notice and demand for a return and immediate payment of the tax shall relate to the period declared terminated, including therein income accrued and deductions incurred up to the date of termination if not otherwise properly includable or deductible in respect of the period.

3. A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once. The taxpayer, however, may stay col-

lection and prevent the jeopardy assessment from becoming final by filing, within ten days after the date of mailing or issuing the notice of jeopardy assessment, a request for reassessment, accompanied by a bond or other security in the amount of the assessment including additions to tax, penalties, and interest as to which the stay of collection is sought. If a request for reassessment, accompanied by a bond or other security in the appropriate amount, is not filed within the ten-day period, the assessment becomes final.

4. If a request for reassessment, accompanied by a bond or other security, is filed within a ten-day period, the director of revenue shall reconsider the assessment. The director of revenue's action on the request for reassessment becomes final upon the expiration of thirty days from the date when he mails notice of his action to the taxpayer, unless within that thirty-day period the taxpayer files an application to seek review of the director of revenue's determination by the administrative hearing commission.

5. The director of revenue may abate the jeopardy assessment if he finds that jeopardy does not exist.

**143.901. Bankruptcy or receivership, claims for deficiency.—1.** Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or any state or territory or of the District of Columbia, any deficiency (together with additions to tax and interest provided by law) determined by the director of revenue may be immediately assessed.

2. Claims for the deficiency and such additions to tax and interest may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending despite the pendency of a protest before the administrative hearing commission under section 143.651. No protest against a proposed assessment shall be filed after the adjudication of bankruptcy or appointment of the receiver.

**144.200. Appropriation for refunds.—**It shall be the duty of the general assembly to appropriate and set aside funds sufficient for the use of the director of revenue to make any refund of taxes required by sections 144.010 to 144.510, by final decision of the administrative hearing commission or by final judgment of court.

**144.210. Burden of proving questionable sale on seller—exemption certificates—additional assessment—notice.—1.** The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail, shall be upon the person who made the sale, except with respect to sales, services, or transactions provided for in section 144.070. Exemption certificates signed by the purchaser or his agent shall be required to be kept by the seller as evidence for any exempt sales claimed; except that when a purchaser has purchased tangible personal property or services sales tax free under a claim of exemption which is found to be improper the director of revenue may collect the proper amount of tax, interest and penalty from the purchaser directly. Any tax, interest or penalty collected by the director from the purchaser shall be credited against the amount otherwise due from the seller on the purchases or sales where the exemption was claimed.

2. If the director of revenue is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession.

3. The director of revenue shall give to the person written notice of such additional or revised assessment by certified or registered mail to the person at his or its last known address.

**144.230. Assessed penalty and tax due, when.**—Any amount assessed by the director of revenue under the provisions of sections 144.010 to 144.510, together with the penalty, if any there be, shall be due and payable from the person to the director of revenue thirty days after the service upon or mailing to the person of notice of such assessment, except only for such amounts as to which the person has filed a petition for review with the administrative hearing commission.

**144.240. Petition for reassessment.**—Any person against whom an additional assessment is made by the director of revenue, under the provisions of sections 144.010 to 144.510, may petition the director of revenue for a reassessment thereof.

**144.250. Estimate of delinquent tax—assessment—penalty—notice.**—1. Except in cases of fraud or evasion, if a person neglects or refuses to make a return and payment as required by sections 144.010 to 144.510, the director of revenue shall make an estimate based upon any information in his possession or that may come into his possession of the amount of the gross receipts of the delinquent for the period in respect to which he failed to make return and payment, and upon the basis of said estimated amount compute and assess the tax payable by the delinquent, adding to such sum a penalty equal to ten percent thereof.

2. Promptly thereafter, the director of revenue shall give to the delinquent, written notice of such estimate, tax and penalty, the notice to be served personally or by certified or registered mail.

**144.261. Review by Administrative Hearing Commission.**—Final decisions of the director under the provisions of this chapter are reviewable by the filing of a petition with the administrative hearing commission in the manner provided in section 161.273, RSMo, within thirty days after the mailing or delivery of such decision.

**144.290. Duty of director in collecting tax of itinerant seller.**—1. If the director of revenue believes that the collection of any tax or any amount of tax herein required to be collected and paid to the state by any itinerant seller or other seller having no regularly established place of business, or by any seller whom the director of revenue has reason to believe is about to discontinue business and dispose of his property or assets, will be jeopardized by delay, he shall thereupon make a determination of such amount of tax herein to be collected and paid, noting that fact upon such determination and the amount thereof shall be immediately due and payable. Such person shall have the right to stay collection and prevent the jeopardy assessment from becoming final by filing, within ten days after the date of mailing or issuing the notice of jeopardy assessment, a request for reassessment, accompanied by such reasonable security as the director of revenue may deem necessary to insure compliance with the provisions of sections 144.010 to 144.510.

2. If a request for reassessment, accompanied by the required security, is filed within a ten-day period, the director of revenue shall reconsider the assessment. The director of revenue's action on the request for reassessment becomes final upon the expiration of thirty days from the date when he mails notice of his action to the person, unless within that thirty-day period such person files a petition for review with the administrative hearing commission under section 144.261.

**144.700. Revenue placed in treasury—payment under protest, disposition—form of protest—appeal.**—1. All revenue received by the director of revenue from the tax imposed by sections 144.010 to 144.430 and 144.600 to 144.745 shall be promptly deposited in the state treasury to the credit of the general revenue fund, except that, if any payment of the tax is made under protest, the director of revenue shall hold the amount in a special deposit until the liability of the taxpayer therefor is finally determined.

2. No payments shall be deposited in the special deposit unless the payments are designated as payments made under protest at the time they are made.

3. No payments shall be retained in the special deposit unless

(1) A protest affidavit is submitted to the director of revenue within thirty days after the payment is made, and

(2) An appeal is taken in the manner provided in section 144.261 from any decision of the director of revenue disallowing the making of the payment under protest or an application is filed by a protesting taxpayer with the director of revenue for a stay of the period for appeal on the ground that a case is presently pending in the courts involving the same question with an agreement by the taxpayer to be bound by the final decision in the pending case.

**144.715. Notices served, how.**—All notices required or authorized by sections 144.600 to 144.745 to be given by mail to any taxpayer shall be addressed to him at his last known address.

**147.100. Tax commission may require information—review by Administrative Hearing Commission.**—If any corporation fails or refuses to make full and complete answers to the questions contained in the report required to be filed by it, or if the tax commission finds that any answer contained in such report is untrue, or if the commission has reason to believe that any corporation has made a false statement or concealed any facts which are material in determining the amount of tax for which such corporation is liable under the provisions of this chapter, then the commission may require the delinquent corporation, its officers, agents or employees to furnish information concerning its shares which is necessary in determining the tax to be paid by it. Any corporation may seek a review of the determination of the tax due by the administrative hearing commission.

**148.070. Review when director computes tax as being greater than amount paid.**—In event the director of revenue determines that the correct amount of the tax is greater than that computed by the taxpayer, he shall, upon such determination, notify the taxpayer thereof by mail. The taxpayer may seek review of the determination of the director of revenue by the administrative hearing commission.

**148.190. Notice to taxpayer of increase of tax—review of director's determination.**—In the event the director of revenue determines that the correct amount of the tax is greater than that computed by the taxpayer, he shall, upon such determination, notify the taxpayer thereof by mail. The taxpayer may seek review of the determination of the director of revenue by the administrative hearing commission.

**149.035. Wholesaler's license required, fee—revocation, suspension or refusal to issue, when—review.**—1. Every wholesaler of cigarettes in this state, as a condition of carrying on such business, shall annually, on or before February fifteenth of each year, secure from the director a written license, and shall pay therefor an annual fee of one hundred dollars for the twelve month period beginning February

fifteenth of each year. The license, application for which may be made on forms prescribed and furnished by the director, shall be kept on public display in the wholesaler's place of business at all times. The license shall not be assignable. The director shall refuse a license to any wholesaler of cigarettes from another state if that wholesaler's state refuses to license wholesalers of cigarettes from Missouri.

2. At such time the director shall have reason to believe that any wholesaler has violated any provisions of this chapter or any rules and regulations issued pursuant to such provisions, the director shall refuse to issue or shall revoke or suspend any license issued hereunder for such a period of time not to exceed one year. The wholesaler involved may seek review of the decision of the director of revenue by the administrative hearing commission.

**161.252. Administrative Hearing Commission, number of commissioners—qualifications—appointment—term—compensation.**—1. The "Administrative Hearing Commission", is assigned to the department of consumer affairs, registration and licensing. It shall consist of no more than two commissioners. The commissioners shall be appointed by the governor with the advice and consent of the senate. The term of the commissioners shall be for six years and until their successor is appointed, qualified and sworn. The commissioners shall be attorneys at law admitted to practice before the supreme court of Missouri, but shall not practice law during their term of office. Each commissioner shall receive annual compensation of thirty-three thousand dollars and shall be entitled to actual and necessary expenses in the performance of their duties. The office of the administrative hearing commission shall be located in the City of Jefferson and it may employ necessary clerical assistance, compensation and expenses of the commissioners to be paid from appropriations from general revenue made for that purpose.

2. Each administrative hearing commissioner serving on the effective date of this act shall prepare and submit to the general assembly a report of estimated and actual case load increase and disposition resulting from the creation of a more uniform procedure for administrative review by the administrative hearing commission of disputes of the additional state agencies assigned to the commission on the effective date of this act. Such report shall be submitted annually by each commissioner until the expiration of the term for which he is serving on the effective date of this act. For the performance of the duties imposed under this subsection, each administrative hearing commissioner serving on the effective date of this act shall receive annually the sum which, when added to the statutory compensation paid to that commissioner will equal thirty-three thousand dollars.

**161.263. Individual commissioners to have authority of entire commission—exceptions—procedure before commission.**—Each administrative hearing commissioner shall have authority to exercise all powers granted to the administrative hearing commission without the concurrence of any other commissioner, except with respect to the rulemaking powers, in which all commissioners must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the commissioners. Formal procedural requirements shall not be required of any complaint filed pursuant to any provision of law relating to the administrative hearing commission, and substantial compliance with the requirements of the law relating to the administrative hearing commission shall be deemed sufficient; however, all testimony in any hearing shall be under oath and an administrative hearing commissioner may administer oaths or affirmations to any witness. It shall not be necessary for a person to be represented by counsel in order to institute any such proceeding, and the administrative

hearing commission shall adopt rules and procedures which shall facilitate the filing and processing of such complaints without formal representation. The administrative hearing commission may stay or suspend any action of an administrative agency pending the commission's findings and determination in the cause. The administrative hearing commission may condition the issuance of such order upon the posting of bond or other security in such amount as the commission deems necessary to adequately protect the public interest.

**161.272. Commission to conduct hearings, make determinations—boards included.**—1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases wherein, under the law, a license issued by any of the following agencies may be revoked or suspended or wherein the licensee may be placed on probation or wherein an agency refuses to permit an applicant to be examined upon his qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri Board of Registration for Architects, Professional Engineers and Land Surveyors

State Board of Barber Examiners

State Board of Cosmetology

State Board of Chiropody and Podiatry

State Board of Chiropractic Examiners

Missouri Dental Board

State Board of Embalmers and Funeral Directors

State Board of Registration for the Healing Arts

Division of Insurance

State Board of Nursing

State Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Division of Health

Department of Mental Health

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

**161.273. Administrative Hearing Commission to hear appeals from director of revenue—procedures—interest—burden of proof.**—Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, order, decision, assessment or additional assessment made by the director of revenue. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the mailing or delivery of a decision of the director of revenue with respect to such dispute. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. The administrative hearing commission shall maintain a transcript of all testimony and proceedings in hearings governed by this section, and copies thereof shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply. Decisions of



the administrative hearing commission under this section shall be binding subject to appeal by either party. In the event the taxpayer prevails in any dispute under this section, interest shall be allowed at the rate of six percent per annum upon the amount found to have been wrongfully collected or erroneously paid. In any proceeding before the administrative hearing commission under this section the burden of proof shall be on the taxpayer except for the following issues, as to which the burden of proof shall be on the director of revenue:

- (1) Whether the taxpayer has been guilty of fraud with attempt to evade tax;
- (2) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax); and
- (3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and a protest filed, unless such increase in deficiency is the result of a change or correction of federal taxable income required to be reported by the taxpayer, and of which change or correction the director of revenue had no notice or knowledge at the time he mailed the notice of deficiency.

**161.292. Commission's findings and recommendations—hearing by agency on disciplinary action.**—Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee, the commission shall deliver or transmit by certified mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. A copy of the findings of fact, conclusions of law and the commission's recommendations, if any, shall be served upon the licensee in person or by certified mail. Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing, provided that such hearing may be waived by consent of the agency and licensee where the commission has made recommendations as to appropriate disciplinary action. In case of such waiver by the agency and licensee, the recommendations of the commission shall become the order of the agency. The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. In any case where the commission fails to find any cause charged by the complaint for which the license may be suspended or revoked, the commission shall dismiss the complaint, and so notify all parties.

**161.332. Judicial review.**—Except as otherwise provided by law, all final decisions of the administrative hearing commission shall be subject to judicial review as provided in and subject to the provisions of sections 536.100 to 536.140, RSMo, except that in cases where a disciplinary order may be entered by the agency, no decision of the administrative hearing commission shall be deemed final until such order is entered. For purposes of review, the action of the commission and the order, if any, of the agency shall be treated as one decision. The right to judicial review as provided herein shall also be available to administrative agencies aggrieved by a final decision of the administrative hearing commission.

**161.333. Commission to make declaratory judgments respecting validity of**

**administrative rules.**—The administrative hearing commission shall conduct hearings, make findings of fact and conclusions of law, and issue decisions in those cases involving complaints filed pursuant to the provisions of section 536.050, RSMo.

**161.334. Notice on receipt of complaint—contents.**—Upon receipt of a written complaint filed pursuant to section 536.050, RSMo, the administrative hearing commission shall as soon as practicable thereafter give notice of such complaint and the date upon which the hearing will be held by delivery of a copy, or by certified mail, of such complaint and notice both to the office of the agency whose authority is challenged and to the complainant.

**161.335. Hearings on validity of rules not contested case—procedure in hearing.**—Hearings in cases filed pursuant to section 536.050, RSMo, shall not be deemed to be contested cases and the procedures established by chapter 536, RSMo, or any other procedural requirements applicable to contested cases shall not apply to such hearings unless required by the provisions of the law relating to the administrative hearing commission, other independent statute or by constitutional provision. Unless the administrative hearing commission rules that special circumstances so require, and sets forth in writing such special circumstances and the reasons why they so require, evidentiary submissions shall be limited to written exhibits, physical evidence, testimony of persons present at the hearing, and affidavits. Cross-examination of persons testifying may be permitted, but shall be limited to situations where there are genuinely disputed questions of material facts. The administrative hearing commission shall maintain a transcript of all testimony and proceedings in hearings and copies thereof shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply. Rules of discovery shall not apply to hearings held under this section, but the administrative hearing commission, at the request of a party, or on its own motion may issue subpoenas duces tecum, but not subpoenas ad testificandum, subject to and consistent with the procedures set forth in section 536.077, RSMo. In cases heard under this section the administrative hearing commission may take judicial notice of judicially cognizable facts as well as generally recognized technical or internal administrative facts of which the administrative hearing commission has specialized knowledge. Parties shall be notified either before the hearing, or during the hearing, or by reference in preliminary reports, or otherwise, of the material so to be noticed and shall be afforded an opportunity to contest or to object to the noticing of such material.

**161.336. Decisions on validity of rules.**—Decisions after hearings in cases filed pursuant to 536.050, RSMo, shall be in writing and shall include or be accompanied by findings of fact and conclusions of law together with a statement of findings upon which the administrative hearing commission bases its decision. The administrative hearing commission shall as soon as practicable upon its decision either deliver or send by certified mail both notice of its decision as well as a copy of the full decision itself to each party to the proceeding or to his attorney of record.

**161.337. Judicial review.**—Final decisions of the administrative hearing commission in cases arising under the provisions of sections 161.333 and 536.050, RSMo, and under the provisions of section 161.273, RSMo, shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing, or any part thereof, is held or, where constitutionally re-

quired or ordered by transfer, to the supreme court, and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice thereof in such a case. Review under this section shall be exclusive, and decisions of the administrative hearing commission reviewable under this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise except pursuant to the provisions of this section. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the administrative hearing commission in the case with the appropriate court of appeals.

**161.338. Decision of commission to be upheld, when.**—In cases reviewable under the provisions of section 161.337, the decision of the administrative hearing commission shall be upheld when authorized by law and supported by competent and substantial evidence upon the whole record, if a mandatory procedural safeguard is not violated and if the approval or disapproval of the exercise of authority in question by the administrative hearing commission does not create a result or results clearly contrary to that which the court concludes were the reasonable expectations of the general assembly at the time such authority was delegated to the agency.

**161.342. Commission to make rules of procedure—contents—where filed.**—The administrative hearing commission shall publish and file with the secretary of state independent sets of rules of procedure for the conduct of proceedings before it. One set of rules shall apply exclusively to proceedings in licensing cases under section 161.272. Another set of rules shall apply exclusively to challenges to agency authority brought under section 161.333. A third set of rules shall apply to sales and use and income tax disputes under section 161.273. Rules of procedure adopted under the authority of this section shall be designed to simplify the maintenance of actions and to enable review to be sought, where appropriate, without the need to be represented by independent counsel. Each set of rules shall be promulgated under the procedures set forth in sections 536.020 to 536.035, RSMo.

**190.165. Suspension or revocation of licenses, grounds for.**—1. The license officer may suspend or revoke a license issued under the provisions of sections 190.100 to 190.195 for failure of a licensee to comply with the provisions of sections 190.100 to 190.195, or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations, or he may place the licensee on probation for any of the same reasons.

2. The initial or other ambulance, equipment and premises inspection reports of the health officer provided for by the provisions of sections 190.100 to 190.195 shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

3. Upon suspension, revocation or termination of an ambulance license hereunder, no person shall be permitted to operate the ambulance. Upon suspension, revocation or termination of an attendant's or attendant-driver's license, the attendant or attendant-driver shall cease to drive or attend an ambulance, and no person shall employ or permit such individual to drive or attend an ambulance.

4. Any license suspended, revoked or terminated under any provision of sections 190.100 to 190.195, will be returned to the license officer within ten days of such suspension, revocation or termination.

**190.171. Aggrieved party may seek review by Administrative Hearing Commission.**—Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 190.100 to 190.195, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health or the department of social services.

**195.040. Registration requirements—revocation and suspension—review by Administrative Hearing Commission.**—1. No registration shall be issued under section 195.030 unless and until the applicant therefor has furnished proof satisfactory to the division of health:

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been convicted of a willful violation of any law of the United States, or of any state, relating to controlled substances or to any person who is a narcotic addict.

3. The division of health shall register an applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of an applicant under any federal or state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material information in any application filed under sections 195.010 to 195.320;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

5. Practitioners shall be registered to dispense any controlled substance or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The division of health need not require separate registrant under sections 195.010 to 195.320 for practitioners engaging in research with nonnarcotic substances in Schedules II through V where the registration is already registered under sections 195.010 to 195.320 in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the division of health evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall entitle them to be registered under sections 195.010 to 195.320.

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the division of health upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under sections 195.010 to 195.320;

(2) has been convicted of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration to manufacture, distribute or dispense suspended or revoked.

8. The division of health may limit revocation or suspension of a registration to a particular controlled substance with respect to which grounds for revocation or suspension exist.

9. If the division of health suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all narcotic and dangerous drugs may be forfeited to the state.

10. The division of health shall promptly notify the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency of all orders suspending or revoking registration and all forfeitures of controlled substances.

11. Before denying, suspending or revoking a registration or refusing a renewal of registration, the division of health shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the division of health at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show-cause order shall be served not later than thirty days before the expiration of the registration.

12. If the division of health shall refuse any person, persons, or corporation, registration under this law, or shall revoke or suspend registration already issued under this law, the person, persons, or corporation shall have the right to seek a determination thereon by the administrative hearing commission.

13. If a determination is sought as provided in subsection 12, the division of health shall immediately certify all proceedings in reference to the cause to the administrative hearing commission.

14. The division of health may suspend without an order to show cause, any registration simultaneously with the institution of proceedings under subsection 7 of this section if the division of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the division of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

**196.435. Revocation of licenses.**—The division of health shall have power to revoke any license issued under the provisions of sections 196.365 to 196.445 whenever said division shall determine that any provision of sections 196.365 to 196.445 or the rules and regulations of the division of health made in pursuance to the sections have been violated. Any person, firm or corporation whose license has been revoked, shall discontinue the manufacture and sale of soft drinks or beverages until the provisions of sections 196.365 to 196.445 have been complied with and a new license issued. The division of health may revoke such license temporarily until there is a compliance with the provisions of sections 196.365 to 196.445 or the rules and regulations of the division of health made in pursuance to said sections.

**196.436. Review by Administrative Hearing Commission.**—Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 196.365 to 196.445, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health or the department or social services.

**197.070. Denial, suspension or revocation of license.**—The division of health may deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law.

**197.071. Review by Administrative Hearing Commission.**—Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 197.010 to 197.120, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health or the department of social services.

**197.220. Denial, suspension on revocation of license.**—The division of health may deny, suspend or revoke a license in any case in which the division finds that there has been a substantial failure to comply with the requirements of sections 197.200 to 197.240.

**197.221. Review by Administrative Hearing Commission.**—Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 197.200 to 197.240, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health or the department of social services.

**198.140. Revocation, denial, suspension or refusal to renew license.**—The division of health may deny, suspend, revoke or refuse to renew a license in any case in which it finds there has been a substantial failure to comply with the requirements established under this law.

**198.141. Review by Administrative Hearing Commission.**—Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 198.011 to 198.170, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health or the department of social services.

**198.430. License refused, suspended or revoked, when—review by Administrative Hearing Commission.**—1. The division of health may deny, suspend, revoke or refuse to renew a license in any case in which it finds there has been:

(1) A substantial failure to comply with the requirements of sections 198.400 to 198.440;

(2) Cruelty or indifference to the welfare of the residents;

(3) Misappropriation of the property of the residents;

(4) Conversion of the property of the residents without their consent;

(5) Violation of any provision of sections 198.400 to 198.440;

(6) Conviction of a felony as shown by a certified copy of the record of the court of conviction of the applicant or licensee, or if the applicant or licensee is a firm or corporation, of any of its members or officers or of the person designated to manage or supervise the boardinghouse, or other satisfactory evidence that the moral character of the applicant or licensee or the manager or supervisor of the boardinghouse for the aged is not reputable.

2. For the purpose of determining whether or not there has been a substantial failure to comply with requirements of sections 198.400 to 198.440, the division of health shall have free access to all parts of such establishments and to communicate with the residents.

3. A license shall not be denied, suspended or revoked or renewal refused for any reason except those set forth in this section.

4. Any person aggrieved by an official action of the division of health affecting the licensed status of a person under the provisions of sections 198.400 to 198.440, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the division of health.

**202.915. Denial, suspension or revocation of license—review by Administrative Hearing Commission.**—1. The department of mental health is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under sections 202.900 to 202.930 or by the board.

2. Any person aggrieved by an official action of the department of mental health affecting the licensed status of a person under the provisions of sections 202.900 to 202.930, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of mental health.

**311.680. Disorderly place—suspension or revocation of license, when—notice.**—Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge that a dealer licensed hereunder, has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control shall suspend or revoke the license of that dealer, but the dealer must have ten days' notice of the application to suspend or revoke his license prior to the order of revocation or suspension issuing.

**311.691. Review by Administrative Hearing Commission.**—Any person aggrieved by official action of the supervisor of liquor control affecting the licensed status of a person subject to the jurisdiction of the supervisor of liquor control, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 161.272, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the office of the supervisor of liquor control.

**536.050. Declaratory judgments respecting the validity of rules—determination of validity of rules by Administrative Hearing Commission.**—1. The power of the courts of this state to render declaratory judgments shall extend to declaratory judgments respecting the validity of rules, or of threatened applications thereof, and such suits may be maintained against agencies whether or not the plaintiff has first requested the agency to pass upon the question presented. The venue of such suits against agencies shall, at the option of the plaintiff, be in the circuit court of Cole county, or in the county of the plaintiff's residence, or if the plaintiff is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office. Nothing herein contained shall be construed as a limitation on the declaratory or other relief which the courts might grant in the absence of this section.

2. The validity or applicability of any rule, regulation, resolution, announced policy, applied policy, or any similar official or unofficial interpretation or implementation of state agency authority, other than in a contested case or in a law enforcement proceeding, may be determined in an action to be brought by the filing of a written complaint with the administrative hearing commission by any interested person, or duly constituted entity, who is affected by such interpretation or implementation in a manner or to a degree distinct and different from other members of the general public. The complaint shall set forth the manner or degree in which the agency action or position affects the complainant, and the reasons for believing such action or position to be invalid or inapplicable to the complainant.

**536.070. Evidence—witnesses—objections—judicial notice—affidavits as evidence—transcript.**—In any contested case:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the district examination, to impeach any witness regardless of which party first called him to testify, and to rebut the evidence against him.

(3) A party who does not testify in his own behalf may be called and examined as if under cross-examination.

(4) Each agency shall cause all proceedings in hearings before it to be suit-



ably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.

(5) Records and documents of the agency which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered.

(6) Agencies shall take official notice of all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either during a hearing or in writing before a hearing, or before findings are made after hearing, of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them.

(7) Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the agency, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long.

(8) Any evidence received without objection which has probative value shall be considered by the agency along with the other evidence in the case. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(9) Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the agency may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained.

(10) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.

(11) The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence

adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility.

(12) Any party or the agency desiring to introduce an affidavit in evidence at a hearing in a contested case may serve on all other parties (including, in a proper case, the agency) copies of such affidavit in the manner hereinafter provided, at any time before the hearing, or at such later time as may be stipulated. Not later than seven days after such service, or at such later time as may be stipulated, any other party (or, in a proper case, the agency) may serve on the party or the agency who served such affidavit an objection to the use of the affidavit or some designated portion or portions thereof on the ground that it is in the form of an affidavit; provided, however, that if such affidavit shall have been served less than eight days before the hearing such objection may be served at any time before the hearing or may be made orally at the hearing. If such objection is so served, the affidavit or the part thereof to which objection was made, may not be used except in ways that would have been permissible in the absence of this subdivision; provided, however, that such objection may be waived by the party or the agency making the same. Failure to serve an objection as aforesaid, based on the ground aforesaid, shall constitute a waiver of all objections to the introduction of such affidavit, or of the parts thereof with respect to which no such objection was so served, on the ground that it is in the form of an affidavit, or that it constitutes or contains hearsay evidence, or that it is not, or contains matters which are not, the best evidence, but any and all other objections may be made at the hearing. Nothing herein contained shall prevent the cross-examination of the affiant if he is present in obedience to a subpoena or otherwise and if he is present, he may be called for cross-examination during the case of the party who introduced the affidavit in evidence. If the affidavit is admissible in part only it shall be admitted as to such part, without the necessity of preparing a new affidavit. The manner of service of such affidavit and of such objection shall be by delivering or mailing copies thereof to the attorneys of record of the parties being served, if any, otherwise, to such parties, and service shall be deemed complete upon mailing; provided, however, that when the parties are so numerous as to make service of copies of the affidavit on all of them unduly onerous, the agency may make an order specifying on what parties service of copies of such affidavit shall be made, and in that case a copy of such affidavit shall be filed with the agency and kept available for inspection and copying. Nothing in this subdivision shall prevent any use of affidavits that would be proper in the absence of this subdivision.

**Section A. Effective date.**—This act shall become effective August 13, 1978. Any hearing or review commenced prior to such date shall proceed pursuant to the law applicable at the time of its commencement.

Approved June 13, 1978.

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[H. C. S. S. B. 961]

**TAXATION AND REVENUE: Taxes on temporary rate increases necessitated by coal shortage.**

**AN ACT** prohibiting the imposition of certain taxes on temporary surcharges or temporary rate increases necessitated by the present coal shortage, with an emergency clause and a termination date.

**SECTION**

1. Exemptions for certain utility charges.
2. Temporary surcharge or rate increase not considered sell or service at retail.

**SECTION**

- A. Emergency clause.
- B. Termination date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Exemptions for certain utility charges.**—No tax authorized by sections 66.300, 92.040, 92.045, 94.110, 94.270, 94.360, 94.500 to 94.570 and 144.010 to 144.510, RSMo, shall be levied or collected on any temporary surcharge or temporary rate increase permitted a public utility, as defined in section 386.020, RSMo, or temporary surcharge or temporary rate increase charged by a municipally owned electrical facility or rural electric cooperative. As used in this section, the words "temporary surcharge or temporary rate increase" shall mean a temporary surcharge or temporary rate increase to allow a public utility, municipally owned electrical facility or rural electric cooperative to recover extraordinary oil and natural gas costs incurred because of the unavailability of coal and coal generated purchased power.

**Section 2. Temporary surcharge or rate increase not considered sell or service at retail.**—A "temporary surcharge or temporary rate increase", for the time set forth in this act, shall not be considered as selling tangible personal property or rendering taxable services at retail in this state.

**Section A. Emergency clause.**—Because immediate action is necessary to avoid undue financial burdens on the people of this state because of the current fuel shortages, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution; and this act shall be in full force and effect upon its passage and approval.

**Section B. Termination date.**—This act shall terminate January 31, 1979.

Approved March 24, 1978.

[H. B. 893]

**TAXATION AND REVENUE: Exempt the retail sales of insulin, drugs, orthopedic and prosthetic devices from sales and use taxes.**

**AN ACT** to exempt the retail sales of insulin, drugs, orthopedic and prosthetic devices from the sales and use taxes, with an effective date.

**SECTION**

1. Exemption for certain drugs and prosthetic devices.

**SECTION**

- A. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Exemption for certain drugs and prosthetic devices.**—In addition to the exemptions under sections 144.030, RSMo, there shall also be exempted from the provisions of sections 144.010 to 144.510, RSMo, all sales of insulin and prosthetic or orthopedic devices as defined on the effective date of this act by the Federal Medicaid Program under Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items.

**Section A. Effective date.**—This act shall become effective January 1, 1979.

Approved June 14, 1978.

[H. B. 1189]

**TAXATION AND REVENUE: Tax upon sale of tangible personal property.**

AN ACT to repeal section 144.460, RSMo Supp. 1975, relating to tax upon sale of tangible personal property by certain cities.

**SECTION**

1. Repealing clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Repealing clause.**—Section 144.460, RSMo Supp. 1975 is repealed.

Approved May 30, 1978.

[H. B. 1262]

**EDUCATION AND LIBRARIES: County boards of education.**

AN ACT to repeal section 162.101, RSMo Supp. 1977, relating to county boards of education in counties of the first class, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

- 162.101. County board of education, membership, terms, qualifications—secretary, appointment, term (first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 162.101, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 162.101, to read as follows:

**162.101. County board of education, membership, terms, qualifications—secretary, appointment, term (first class counties).**—1. A county board of education, consisting of six members who shall be elected for terms of three years, is created in each first class county of Missouri. Two members shall be elected in 1964 and every three years thereafter, two members shall be elected in 1965 and every three years thereafter, and two members shall be elected in 1966 and every three years thereafter.

2. Each member shall be a citizen of the United States and of the state of Missouri, a resident householder and voter of the county, and shall be not less than twenty-four years of age. Not more than three members of the board shall reside in any county court district.

3. The members of the school boards of the various school districts of each county shall meet on the fourth Tuesday in April in each year at a place and at the hour designated by the secretary of the county board of education. Notice of the time and place of the meeting shall be given by the secretary of the county board of education to the persons entitled to attend the meeting, by mail, at least six days before the meeting. The meeting shall organize by the election of one of its members as chairman. The board shall also designate a secretary, who may or may not be a member of the board, who shall take office on July first next after the appointment and serve for a period of one year, unless reappointed.

4. The persons attending the meeting shall thereupon proceed to elect, by ballot, the members of the county board of education. Nominations shall be made from the floor and each office to be filled shall be voted upon separately. Election

of each board member shall be by a majority of the votes cast and each member of every school board within the county is entitled to one vote.

Approved June 13, 1978.

[H. C. S. H. B. 1822]

**EDUCATION AND LIBRARIES: Certification of assessment ratios.**

AN ACT relating to the certification of assessment ratios, with an emergency clause.

**SECTION**

1. Determination of true value ratios for the year 1977.

**SECTION**

A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Determination of true value ratios for the year 1977.**—Notwithstanding the provisions of section 163.031, RSMo, the average percent of true value ratios determined by the state tax commission for year 1977 and certified to the department of education in 1978 shall be disregarded and the state tax commission shall before April 1, 1978, submit the average true value ratios to be used in lieu thereof for the year 1977 in determining the equalized assessed valuation of the property of a school district for distributions of school foundation formula funds.

**Section A. Emergency clause.**—Because immediate action is necessary in order to maintain the orderly operation of certain public school districts by allowing them to receive the proper distribution of state school funds to insure the welfare of all public school students and the continued delivery of necessary education services, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved March 22, 1978.

[H. B. 969]

**EDUCATION AND LIBRARIES: Transportation for public school pupils.**

AN ACT to repeal sections 163.161, 167.231, and 167.232, RSMo Supp. 1977, relating to transportation for public schools pupils and to enact in lieu thereof three new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
163.161. State aid for transportation of pupils.

**SECTION**

167.231. School district to provide transportation—mileage limits for state aid—extra transportation at district expense, how provided—tax.  
167.232. Tax for extra transportation may be rescinded, procedure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 163.161, 167.231 and 167.232, RSMo Supp. 1977 are repealed and three new sections enacted in lieu thereof, to be known as sections 163.161, 167.231 and 167.232, to read as follows:

**163.161. State aid for transportation of pupils.**—1. Any school district which makes provision for transporting pupils as provided in sections 167.231 and 167.241,

RSMo, shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive an amount not greater than eighty percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, except that in no case shall a district receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year. The state board of education shall approve all bus routes and determine the total miles each district should have for effective and economical transportation of the pupils and shall determine allowable costs. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.

2. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of subsection 1 and an amount equal to eighty percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be eighty percent of allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed eighty percent of the total allowable cost of transporting all pupils eligible to be transported.

**167.231. School districts to provide transportation—mileage limits for state aid—extra transportation at district expense, how provided—tax.**—1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation. If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board shall submit the question at a public election. If a majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the ..... school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of ..... cents on

the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES ☐  
NO ☐

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district located wholly or primarily in a county of the first class not having a charter form of government and not containing any part of a city of over four hundred thousand population, may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, if the parents or guardian of the pupil agree in writing to pay the actual cost of such transportation. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any fund of the school district. The cost of transportation may be paid in installments and the board of education shall establish the cost of the transportation and the time or times and method of payment.

**167.232. Tax for extra transportation may be rescinded, procedure.**—1. The board of education of any six-director school district where the voters of the district have approved the transportation of pupils living less than one mile from the school and the levying of an additional tax to pay for such transportation as provided in section 167.231 may, when it determines such action advisable, present a proposition to the qualified voters of the district rescinding the tax levy and the requirement that transportation be provided for all pupils living less than one mile from school. Such a proposition shall not be presented to the voters until after such transportation services have been provided for three full school terms and then only at the annual election. Approval of the rescission by a majority of the voters would be effective on July first next following the election. After that date the district shall provide only such transportation as is authorized under subsection 1 of section 167.231. Upon December thirty-first of the year in which the rescission is effective, the district's tax levy shall be reduced by an amount equal to the increase approved by the voters under subsection 2 of section 167.231.

2. The ballot form for such an election shall be in substantially the following form:

Shall the board of education of the ..... school district be required to provide transportation only for those pupils living three and one-half miles or more from school with the option of providing transportation for those living a mile or more from school?

YES ☐  
NO ☐

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

Approved June 12, 1978.

[S. B. 906]

**EDUCATION AND LIBRARIES:** Membership and prior service credit in teacher retirement systems.

AN ACT to repeal sections 169.050 and 169.130, RSMo 1969, relating to membership and prior service credit in certain teacher school employee retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

## SECTION

1. Enacting clause.  
169.050. Membership—prior service credit, withdrawal—reinstatement contributions.

## SECTION

169.130. Teachers at state institutions and teachers' associations as members—contributions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. Enacting clause.—Sections 169.050 and 169.130, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 169.050 and 169.130, to read as follows:

169.050. Membership—prior service credit, withdrawal—reinstatement contributions.—1. On and after the effective date of sections 169.010 to 169.130, all employees as herein defined of districts included in the retirement system thereby created shall be members of the system by virtue of their employment.

2. Any person who becomes a member before the end of the school year next following the date on which the system becomes operative may claim credit for service rendered as an employee in Missouri prior to said operative date, or for service rendered in the armed forces of the United States during a period of war, the same as if he were a teacher, provided he was a teacher in Missouri at the time he was inducted, by filing with the board of trustees, within such time as the board may specify, a complete and detailed record of the service for which credit is claimed, together with such supporting evidence as the board may require for verification of the record. To the extent that the board finds the record correct, it shall credit the claimant with prior service and shall notify him of its decision, but the amount of such credit shall not exceed thirty years.

3. No prior service credit shall be granted to any person who becomes a member after the first year of the system's operation, except as provided in subsection 5 of this section and subsection 2 of section 169.055 unless that person's failure to become a member before or during that year was due either to service in the armed forces of the United States or to attendance at a recognized educational institution for professional improvement; provided, that the board of trustees may grant prior service credit to a teacher who taught prior to August 1, 1945, if the teacher returns to teaching before July 1, 1950, and if such teacher teaches in the public schools of Missouri not less than seven years after returning before retirement, or the board of trustees may grant prior service credit to a teacher who taught prior to August 1, 1945, if the teacher returns to teaching and teaches at least one-half of the number of years between July 1, 1946, and age sixty-five but not less than seven years after returning before retirement, except that a member who will have thirty-five or more years of teaching service in Missouri at retirement shall be required to teach not less than three years after returning and before retirement. A person serving in the armed forces of the United States shall have the same right to prior service credit as one who became a member before the end of the first year of the system's operation, if he becomes a member within one year of the date of his discharge from such service or within one year of said date plus time spent as a student in a standard college or university in further preparation for service as a public school employee. A person attending a recognized educational institution for his professional improvement shall have the same right to prior service credit as one who became a member before the end of the first year of the system's operation, if he becomes a member within three years following the date on which the system became operative, and within one year of the date on which his attendance at said institution ceased.



4. Membership shall be terminated by failure of a member to be a public school employee under this system for more than four of any five consecutive years, by death, withdrawal of contributions, or retirement based on either age or disability.

5. If a member withdraws or is refunded his contributions, he shall thereby forfeit any creditable service he may have; provided, however, if such person again becomes a member of the system, he may elect to reinstate any creditable service forfeited at time of previous withdrawals or refunds. The reinstatements shall be effected by the member's paying to the retirement system with interest the amount of accumulated contributions withdrawn by him or refunded to him at the time of withdrawal or refund and by teaching in the public schools of Missouri not less than seven years after returning before retirement; provided, however, that reinstatement with respect to eligibility for disability retirement shall be effective after returning and teaching not less than three years in the public schools of Missouri if such teaching makes a total of at least eight years taught in the public schools of Missouri. The payment may be made over a period of not longer than five years from the date of election, and with interest on the unpaid balance; provided, however, that if a member is retired on disability before completing such payments, the balance due with interest shall be deducted from his disability retirement allowance.

**169.130. Teachers at state institutions and teachers' associations as members—contributions.**—1. Any person, duly certified under the law governing the certification of teachers, employed full time as a teacher by the division of youth services is a member of the public school retirement system of Missouri. Any such person who becomes a member before the end of the school year next following July 18, 1948, may claim and receive credit for prior service. The contributions required to be made by the member's employer shall be paid from appropriations to the institution by which the member is employed.

2. Any person, duly certified under the law governing the certification of teachers, employed full time as a teacher by a division of the state department of social services who renders services in a school whose standards of education are set and which is supervised by a public school officer of the county in which the school is located, by the department of elementary and secondary education or by the coordinating board for higher education is a member of the public school retirement system of Missouri. Any such member who becomes a member before the end of the school year next following August 29, 1953, may claim and receive credit for prior service.

3. Any person, duly certified under the law governing the certification of teachers, employed full time as a teacher by the section of inmate education of the division of corrections is a member of the public school retirement system of Missouri. Any such person who becomes a member before the end of the school year next following August 29, 1959, may claim and receive credit for prior service. For purposes of this subsection "prior service" means service rendered by a member of the retirement system before the system becomes operative with respect to persons employed by the section of inmate education, and may include service rendered by a member of the armed forces during a period of war, if the member was a teacher at the time he was inducted, for which credit has been approved by the board of trustees.

4. Any person, duly certificated under the law governing the certification of teachers, employed full time by any statewide nonprofit educational association or organization serving on an educational professional basis through its membership the active members of the public school retirement system of Missouri or the

public school districts maintaining high schools in this state, may be a member of the public school retirement system of Missouri. Any such person who becomes a member before July 1, 1955, may claim and receive credit for prior service. The contributions required to be made by the member's employer shall be paid by the association or organization.

5. Any person, duly certificated under the law governing the certification of teachers, employed full time, and whose duties include participation in the educational program of the department of mental health, in either a teaching or supervisory teaching capacity shall, after August 7, 1969, be a member of the public school retirement system, but any such person whose employment with the department of mental health commenced prior to August 7, 1969, may elect not to become a member by so notifying the department of mental health in writing within thirty days after August 7, 1969.

Approved April 27, 1978.

[S. B. 542]

**EDUCATION AND LIBRARIES: Teacher and public school employee retirement systems.**

AN ACT to repeal sections 169.410, 169.420, 169.450, 169.490 and 169.560, RSMo 1969, sections 169.440 and 169.460, RSMo Supp. 1975, and section 169.070, RSMo Supp. 1977, relating to teacher and public school employee retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

**SECTION**

1. Enacting clause.
- 169.070. Retirement allowances, how computed—options—effect of federal O.A.S.I. coverage—cost of living adjustment authorized.
- 169.410. Definitions.
- 169.420. Retirement system—how managed.
- 169.440. Board of trustees to make rules and regulations—years of service, how determined.
- 169.450. Trustees—selection, qualifications, terms, authority—circuit court's jurisdiction over board—board may alter earnings base of members who retire after December 1, 1965—may make rules and regulations.

**SECTION**

- 169.460. Retirement, when—benefits, how computed—disability retirement, when, how computed—death before retirement, effect of—beneficiary defined, how computed—retirants may become active, how—minimum benefits, when.
- 169.490. Division of assets into four funds—payments to and disbursements from the funds—accrued liability, contribution.
- 169.560. Retirees may be employed for limited time.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 169.410, 169.420, 169.450, 169.490 and 169.560, RSMo 1969, sections 169.440 and 169.460, RSMo Supp. 1975 and section 169.070, RSMo Supp. 1977 are repealed and eight new sections enacted in lieu thereof, to be known as sections 169.070, 169.410, 169.420, 169.440, 169.450, 169.460, 169.490 and 169.560, to read as follows:

**169.070. Retirement allowances, how computed—options—effect of federal O.A.S.I. coverage—cost of living adjustment authorized.**—1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose creditable service is thirty years or more, may be the sum of the following items, not to exceed eighty percent of the member's final average salary:

- (1) Two percent of his final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

2. In lieu of the retirement allowance provided in subsection 1, a member whose age is sixty years or more on September 28, 1977, may elect to have his retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of his final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of (1) and (2) above for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. In lieu of the retirement allowance provided either in subsection 1 or in subsection 2, a member whose age at retirement is sixty years or more or whose creditable service is twenty-five years or more may elect in his application for retirement to receive the actuarial equivalent of his retirement allowance in reduced monthly payments for life during retirement with the provision that

Option 1. Upon his death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option

OR

Option 2. Upon his death one-half the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in his election of the option.

The election of option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective; provided, that if either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, except that if the member dies after attaining age sixty or after acquiring twenty-five or more years of creditable service and before retirement, his spouse, if named as his beneficiary, may elect to receive either survivorship benefits under option 1 or a payment of his accumulated contributions.

4. If the total of the retirement allowance paid to an individual before his death is less than his accumulated contributions at the time of his retirement, the difference shall be paid to his beneficiary, or to his estate, if there be no beneficiary. If an optional benefit as provided in subsection 3 had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and his beneficiary is less than the total of the contributions, the difference shall be paid to the estate of the retired individual.

5. If a member dies before receiving a retirement allowance, his accumulated contributions at the time of his death shall be paid to his beneficiary or to his estate, if there be no beneficiary; provided, however, that no such payment shall be made if the beneficiary elects option 1 in subsection 3.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if his membership is otherwise terminated, he shall be paid his accumulated contributions with interest if he has contributed for two years or more. If he has contributed for less than two years he shall be paid the amount he has contributed without interest.

7. Notwithstanding anything in sections 169.010 to 169.130 to the contrary, if a member ceases to be a public school employee after acquiring ten or more years of membership service in Missouri, he may at his option leave his contributions with the retirement system and claim a retirement allowance any time after he reaches the minimum age for voluntary retirement. When his claim is presented to the board, he shall be granted an allowance as provided in sections 169.010 to 169.130 on the basis of his age, years of service, and the provisions of the law in effect at the time of his last service; except that if such a member returns to teaching within four years, this provision will not apply and his benefits on retirement shall be computed on the basis of the law in effect at that time. Notwithstanding anything in this section to the contrary, a member who has acquired twenty or more years of creditable service prior to August 13, 1972, may elect to have his benefits calculated under the provisions of the law in effect at the time he requests his retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which his creditable service would entitle him if his age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which he received a year of creditable service immediately prior to his disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which he would have been entitled upon retirement at age sixty if he had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding anything in this law to the contrary, from October 13, 1961, the contribution rate under this law shall be multiplied by the factor of two-thirds for any member of the system for whom Federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of his employment entitling him to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of his annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957 and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957 and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo 1959.

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

The monetary benefits for each other member for whom Federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of his employment entitling him to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full

contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3, will be eligible to receive an increase in his retirement allowance of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or section 169.585, nor shall the amount being paid under these sections be reduced because of any increases provided for in this section.

11. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount which each retired member received at the time of his retirement, or by two percent of the amount which he was receiving after the adjustment provided for in subsection 10 for those members retired prior to September 1, 1972; with the provision that the increases provided for in this subsection shall not become effective until the fourth of January first following the member's retirement or January 1, 1977, whichever later occurs, and that the total of the increases granted to a retired member or the beneficiary after December 31, 1976 may not exceed ten percent. If the cost of living increases less than two percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed two percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

12. The board of trustees may reduce the amounts which have been granted as increases to a member under subsection 11 if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

**169.410. Definitions.**—The following words and phrases as used in sections 169.410 to 169.540, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' saving fund, together with interest allowed thereon;

(2) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of interest and such mortality tables as shall be adopted by the board of trustees;

(3) "Average final compensation" shall mean the highest average annual compensation of the member received for any five consecutive years of service of his last ten years of service or if he has had less than five years of such service, during his entire period of service;

(4) "Beneficiary" shall mean any person other than a retirant receiving a

retirement allowance or optional retirement allowance or other benefit as provided herein;

(5) "Benefit earnings base" shall mean the maximum annual compensation considered under the Federal Old-Age, Survivors and Disability Insurance System of the Social Security Act for the determination of benefits unless some other amount has been prescribed by the board of trustees under subsection 17 of section 169.450;

(6) "Benefit reserve" shall mean the present value of all payments to be made on account of any retirement allowance, pension, or benefit in lieu thereof, granted by the board of trustees, computed on the basis of interest and such mortality tables as shall be adopted hereunder;

(7) "Board of education" shall mean the board of education or corresponding board having charge of the public schools of the school district;

(8) "Board of trustees" shall mean the board provided for herein to administer the retirement system;

(9) "Compensation" shall mean the regular compensation which a member has earned as an employee during any period, provided that such compensation, for the purposes of sections 169.410 to 169.540, shall not exceed the maximum compensation for the same period as shown by the teachers' salary schedule for the classification of a teacher with a doctor's degree;

(10) "Contribution earnings base" shall mean the maximum annual compensation considered under the Federal Insurance Contributions Act for the determination of the tax payable in a calendar year;

(11) "Creditable service" shall mean prior service plus membership service;

(12) "Employee" shall mean any person regularly employed by the board of education or by the board of trustees. In case of doubt as to whether any person is an employee, the decision of the employing board shall be final and conclusive;

(13) "Medical board" shall mean the board of physicians provided for herein;

(14) "Member" shall mean a member of the retirement system as herein defined:

(a) "Active member" shall mean a member who is an employee;

(b) "Inactive member" shall mean a member who is not an employee;

(15) "Membership service" shall mean service rendered since last becoming a member which is creditable in accordance with the provisions herein;

(16) "Primary social security benefit" shall mean the primary insurance benefit of a member under the Federal Social Security Act as such act is in effect at the time the member retires or otherwise terminates his service, computed without regard for any reduction or loss of benefits which may result because of other income, delay in making application or any other reason; provided that, if a member retires early or otherwise ceases to be an employee prior to age sixty-five, his primary social security benefit shall be computed by assuming continuation of his compensation until he reaches sixty-five years of age, at the rate in effect immediately before he ceased to be an employee;

(17) "Prior service" shall mean service prior to the date the system becomes operative which is creditable in accordance with the provisions herein;

(18) "Public school" shall mean any school for elementary, secondary or higher education, open and public, which is supported and maintained from public funds and which is operated by the board of education of the school district;

(19) "Retirant" shall mean a former member receiving a retirement allowance or optional retirement allowance or other benefit as provided hereunder;

(20) "Retirement allowance" shall mean equal monthly payments for life to a retirant or to such beneficiary as is entitled to same as provided herein;

(21) "Retirement system" shall mean the public school retirement system of a school district as herein defined;

(22) "School district" shall mean any school district now having or hereafter attaining a population of seven hundred thousand inhabitants or more in which a retirement system shall be established;

(23) "Teacher" shall mean any teacher, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, who shall teach or be employed on a full-time basis in the public schools of a school district as herein defined. In case of doubt as to whether any person is a teacher, the decision of the board of education shall be final and conclusive.

**169.420. Retirement system—how managed.**—In all school districts of this state that now have or may hereafter attain a population of seven hundred thousand inhabitants or more, there are hereby created and established retirement systems for the purpose of providing retirement allowances for employees of said school districts. Each such system shall be a body corporate, and shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of ..... (name of school district)". Such system shall by and in such name, sue and be sued, transact all of its business, invest all of its funds and hold all of its cash, securities and other property; provided, however, that such securities and other property may be held on behalf of the retirement system in the name of a nominee in order to facilitate the expeditious transfer of such securities or other property. The retirement systems so created shall begin operations as of the first day of the second month next following the date upon which this law shall take effect under article III, section 29, of the Constitution of the state of Missouri or on the first day of the second month next following the date when the school districts shall have thereafter attained a population of seven hundred thousand inhabitants or more.

**169.440. Board of trustees to make rules and regulations—years of service, how determined.**—1. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

2. Under such rules and regulations as the board of trustees shall adopt, each employee who was employed by the school district on and prior to the date this retirement system becomes operative and who becomes a member within one year from such date, shall file a detailed statement of all service as such employee rendered by him to the school district prior to that date and prior to the attainment of his minimum service retirement age, for which he claims credit; provided, however, that teachers may, in addition, claim credit in such statement for not more than ten years of service rendered in public schools outside the school district. Any member with service prior to January 1, 1944, who became a member after the one-year period for claiming prior service credit, may file claim for such service up to a maximum of twelve years provided he has a minimum of five continuous years of membership service and a total membership service of not less than the years of prior service being claimed.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of such statements of service.

4. Upon verification of the statements of service, the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which he is credited on the basis of his statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance, or modification, of such certificate, request the board of trustees to modify or correct his prior service certificate. When any employee ceases to be a member his prior service certificate shall become void, and should he again become a member he shall enter the retirement system as a member not entitled to prior service and membership service credit. After he has five years of continuous membership service since last date of reemployment and provided he could not under the applicable law at date of his termination have left his accumulated contributions for accrued deferred retirement benefits, he may reinstate his creditable service as of such date by paying to the system the accumulated contributions he withdrew with interest to the date of repayment.

5. Membership service at retirement shall include creditable service as an employee, on account of which contributions are made by the employing board and by the member except as to creditable military service.

6. Creditable service upon retirement of a member, or upon such other date as a member shall cease to be an employee shall consist of membership service, and if the member has a prior service certificate in full force and effect it shall include service certified on his prior service certificate, except that in determining the amount of any benefits under sections 169.410 to 169.585 the years of prior service creditable shall not exceed the number of years which, when added to the membership service of the member, equals thirty-five years.

7. Any member inducted into the armed forces of the United States while an employee, and discharged or separated from such service by other than dishonorable discharge, shall be credited with such period or periods of time, not exceeding a total of four years, spent in such service during time of war or national emergency, and any additional period or periods of involuntary service as if such member had been for all effects and purposes in active service as an employee during such period or periods of time. Periods of national emergency, as that term is used in this section, shall be prescribed by rule of the board of trustees, giving due regard to the acts and resolutions of Congress and the proclamations and orders of the President.

8. Any employee whose membership was terminated during the years 1944 to 1947, inclusive, pursuant to a rule of the board of education prohibiting the employment of married women teachers and who was reemployed on or before January 1, 1950, and is a member as of October 13, 1969, may reinstate the creditable service forfeited by the termination and acquire credit as membership service for service rendered subsequent to the termination. In order to obtain such credit, the member must pay the unpaid accumulated contributions for the approved years of membership service to be credited together with any contributions which have been refunded to him plus interest from the date of the refund or from the date of membership service to the date of repayment as provided herein. No prior service may be reinstated or other service



credited unless full payment is made for contributions for all possible services which is classified as membership service.

9. Any member who is granted a leave of absence with reduced pay may authorize deduction of contributions based on full compensation, the same as if not on leave, and in such case the full compensation shall be used as annual compensation in determining the final average compensation for calculation of benefits.

10. Any employee who rendered service which at the time was not classified as membership service nor were contributions paid but which would be classified as membership service under later law and regulations may receive credit for such service by paying the required contributions for such period of service with interest to date by December 31, 1980.

11. A member who has rendered service in a public school district in the state of Missouri outside of this district, or outside the state of Missouri, may elect to purchase and receive credit for such service in accordance with the following conditions and limitations:

(1) The member must have a minimum of five years of continuous creditable membership service in this retirement system prior to his election to purchase;

(2) Service to be credited must be service for which he did not and could not receive accrued benefits by leaving contributions with any other retirement system under the applicable law in effect at the termination of such service;

(3) The member must have one year of creditable service in this system for each year to be credited;

(4) The maximum period of service which can be credited under this subsection is ten years;

(5) The member must pay for the purchase of service after January 1, 1944, the total amount of member's contributions for such years being purchased plus interest at the rates fixed by the board of trustees with the contributions based on the compensation at which he initially was employed in this school district and the contribution rates then in effect;

(6) The election must be made on or before December 31, 1980, for eligible members with five years of creditable service;

(7) If all service after January 1, 1944, for which a member is eligible has been purchased and it is less than ten years, the member may apply for credit for service prior to January 1, 1944, provided the total credit does not exceed ten years, subject to applicable conditions and limitations in this subsection, but no payment shall be required;

(8) A member shall receive credit at retirement for only such service as has met the conditions of this subsection. If he has paid for any service which has not been credited, he shall receive a refund of the excess payment. If he has not completed his payment at time of retirement, the first benefits from the system shall be applied to pay the balance of the amount due and thereafter the full benefits shall be payable; and

(9) Any credit granted for service outside the school district prior to January 1, 1944, under subsection 2 of this section shall be included in determining whether any additional credit may be obtained under this subsection.

**169.450. Trustees—selection, qualifications, terms, authority—circuits court's jurisdiction over board—board may alter earnings base of members who retire after December 1, 1965—may make rules and regulations.—1. The general administration and responsibility for the proper operation of the retirement system**

and for making effective the provisions of sections 169.410 to 169.540 are hereby vested in a board of trustees of nine persons, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative respectively;

(2) Four trustees to be elected for terms of four years by and from the active members of the retirement system who shall hold office as trustees only while active members; provided, however, that the terms of office of the first four members so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative respectively; and provided further, that not more than two of such persons shall be teachers and two shall be nonteachers;

(3) One member, not a teacher or an officer of the state or of any political subdivision of the state, who shall be experienced in the investment of moneys, to be elected for a term of four years by a majority vote of the other eight members of the board of trustees.

2. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

3. The members of such board of trustees appointed by the board of education shall be members of the board of education and shall hold office as trustee only while members of the board of education. The trustees shall serve without compensation, except that the trustee elected by a majority vote of the remaining eight trustees shall be paid such compensation as may be agreed upon with such remaining eight trustees, and any trustee shall be reimbursed from the expense fund for all necessary expenses which he may incur through service on the board of trustees.

4. Each trustee shall, within ten days after his appointment or election, take an oath of office before the clerk of the circuit court of the judicial circuit in which the school district is located that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of trustees and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of said clerk of the circuit court.

5. The circuit court of the judicial circuit in which the school district is located shall have jurisdiction over the members of the board of trustees to require them to account for their official conduct in the management and disposition of the funds and property committed to their charge; to order, decree and compel payment by them to the public school retirement system of their school district of all sums of money, and of the value of all property which may have been improperly retained by them, or transferred to others, or which may have been lost or wasted by any violation of their duties or abuse of their powers as such members of such board; to remove any such member upon proof that he has abused his trust or has violated the duties of his office; to restrain and prevent any alienation or disposition of property of such public school retirement system by said members, in cases where it may be threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of such public school retirement system. The jurisdiction conferred by sections 169.410 to 169.540 shall be exercised as in ordinary cases upon petition, filed by the board of education of such school district, or by any two members of the board of trustees. Such petition shall be heard in a summary manner after ten days' notice in writing to

the member complained of, and an appeal shall lie from the judgment of said circuit court as in other causes and be speedily determined, but such appeal shall not operate under any condition as a supersedeas of a judgment of removal from office.

6. Each trustee shall be entitled to one vote in the board of trustees. Five votes shall be necessary for a decision by the trustees at any meeting of the board of trustees.

7. Subject to the limitations of sections 169.410 to 169.540, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds created by sections 169.410 to 169.540, and for the transaction of its business.

8. The board of trustees shall elect from its membership a chairman and shall, by majority vote of its members, appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve.

9. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

10. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and send to the board of education and to each member of the retirement system a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. The board of trustees shall also prepare or cause to be prepared an annual report concerning the operation of the retirement system herein provided for, which report shall be sent by the chairman of the board of trustees to the board of education.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three physicians, none of whom shall be eligible for benefits under sections 169.410 to 169.540, who shall arrange for and pass upon all medical examinations required under the provisions of sections 169.410 to 169.540, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The actuary shall be the technical adviser of the board of trustees on matters regarding the operation of the system created by sections 169.410 to 169.540 and shall perform such other duties as are required in connection therewith. He shall be qualified as an actuary by membership as a fellow in the Society of Actuaries or by similar objective standards.

14. At least once in the three-year period following the establishment of the system and in each five-year period thereafter the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members, retirants and beneficiaries of the retirement system, and taking into account the results of such investigation of the experience the board of trustees shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

15. On the basis of such tables as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the retirement system.

16. On the basis of the valuation the board of trustees shall certify the rates of contribution payable by the board of education.

17. The board of trustees may establish rules and regulations that alter the benefit earnings base applicable to members who retire after December 31, 1965. The board of trustees shall establish and amend such regulations, methods and factors as may be needed for calculation of the primary social security benefit. Any alterations made by the board shall be made for the purpose of maintaining the combined benefit under sections 169.410 to 169.580 and under the Social Security Act at the same approximate level as a percentage of average final compensation for members with equal years of creditable service and equal average final compensation.

**169.460. Retirement, when—benefits, how computed—disability retirement, when, how computed—death before retirement, effect of—beneficiary defined, benefits, how computed—retirants may become active, how—minimum benefits, when.—1.** Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(1) Any member may retire on a service retirement allowance upon his written application to the board of trustees setting forth at what time not less than thirty days nor more than ninety days subsequent to the execution and filing thereof he desires to be retired; provided, that the member at the time so specified for his retirement shall have attained age sixty-five which is his minimum service retirement age;

(2) Any member in service who has attained the age of seventy years shall be retired forthwith on a service retirement allowance.

2. Upon retirement for service on or after age sixty-five a member shall receive an annual service retirement allowance payable in monthly installments equal to his number of years of creditable service multiplied by one and one-fourth of his average final compensation provided that such annual service retirement allowance shall not exceed the difference of:

(1) Eighty percent of his average final compensation, less

(2) His primary social security benefit. For members whose date of birth is prior to January 1, 1917, the annual service retirement allowance shall be the larger of the amount thus determined and an amount equal to his number of years of creditable service multiplied by the sum of:

(a) One percent of his average final compensation, and

(b) One-half of one percent of that part of his average final compensation in excess of the benefit earnings base then in effect for the calendar year in which he is age sixty-five.

3. A member who is under age sixty-five but has attained either (a) age sixty or (b) age fifty-five and has thirty or more years of creditable service may make application in the same manner as under subsection 1, subdivision (1), of this section for an early service retirement allowance which shall be a percentage of his projected annual service retirement allowance. His projected annual service retirement allowance shall equal his number of years of creditable service multiplied by one and one-fourth percent of his average final compensation, provided that his early service retirement allowance shall not exceed the difference of:

(1) Eighty percent of his average final compensation, less

(2) His primary social security benefit. For a member whose date of birth is

prior to January 1, 1917, his early service retirement allowance shall be the greater of the amount thus determined and an amount equal to a percentage of his prior projected annual service retirement allowance. His prior projected annual service retirement allowance shall equal his number of years of creditable service multiplied by the sum of:

(a) One percent of his average final compensation, and

(b) One-half of one percent of that part of his average final compensation in excess of the benefit earnings base then in effect for the calendar year in which he is age sixty-five. This percentage shall be computed by deducting from one hundred percent the sum of the following:

(1) Five-ninths of one percent for each month between age sixty and age sixty-five that the retiring member's age is below age sixty-five; and

(2) Three-ninths of one percent for each month that the retiring member's age is below age sixty.

4. If at service retirement the accumulated contributions of a member would provide more than one-half of his retirement allowance based on the interest rate, mortality and other tables then adopted by the board of trustees, the amount of his retirement allowance shall be increased by such excess over one-half.

5. Upon the written application of the member or of the employing board, any active member who has had five or more years of creditable service with such board and who has not attained age sixty-five may be retired by the board of trustees, not less than thirty and not more than ninety days next following the date of filing such application on an ordinary disability retirement allowance; provided, that the medical board after a medical examination of such member shall certify that such member is mentally or physically totally incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. The determination of the board of trustees in the matter shall be final and conclusive.

6. Upon retirement for disability a member shall receive a disability retirement allowance which shall be the larger of

(1) A service retirement allowance based on his creditable service to the date of his disability retirement and calculated as if he were age sixty-five, or

(2) One-fourth of his average final compensation; except that such allowance shall not exceed the service retirement allowance which he would receive at age sixty-five had his service continued to age sixty-five and had his final average compensation been unchanged.

7. Once each year during the first five years following his retirement on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty-five to undergo a medical examination at a place designated by the medical board or by a physician or physicians designated by such board. Should any disability beneficiary who has not attained age sixty-five refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all rights in and to his pension may be revoked by the board of trustees.

8. Should the board of trustees find that any disability retirant is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance plus benefits, if any, to which he and his family are eligible under the Federal Old-Age, Survivors and Disability Insurance System of the Social Security Act and the current rate of monthly compensation for the position he held at retirement, then the amount of his retirement allowance shall

be reduced to an amount which together with the amount earnable by him shall equal such current rate of monthly compensation. Further adjustments in the disability retirement allowance because of earnings changes shall be made by the board of trustees. The decisions of the board of trustees in regard to said modification of disability allowance shall be final and conclusive.

9. Should any disability retirant be restored to service as an employee, he shall again become a member of the retirement system and contribute thereunder. If he is under age sixty at date of again becoming a member, his creditable service at the time of his retirement shall be restored to full force and effect, and the excess of his accumulated contributions at retirement over the total payments which he received during retirement shall be credited to his account. If he is age sixty or over, his disability retirement allowance shall cease and be resumed upon subsequent retirement, together with such retirement allowance as shall accrue by reason of his latest period of membership.

10. Should a member cease to be an employee, except by death or retirement, he shall be paid on demand the amount of his accumulated contributions standing to the credit of his individual account in the members' saving fund, provided that a member with five or more years of creditable service may leave his accumulated contributions with the retirement system and be an inactive member entitled to benefits at such time and for such amount as are available under subsection 2 or 3. The accumulated contributions of an inactive member may be withdrawn at any time upon ninety days' notice or such shorter notice as is approved by the board of trustees. Should a member die before retirement, his accumulated contributions shall be paid to his designated beneficiary, if living, otherwise to the estate of the member. His accumulated contributions shall not be paid to a member so long as he remains in service as an employee.

11. Any member upon retirement shall receive his benefit in a retirement allowance payable throughout life subject to the provision that if he retired after August 29, 1957, and his death occurs before he has received total benefits at least as large as his accumulated contributions at retirement, the difference shall be paid in one sum to his designated beneficiary, if living, otherwise to the estate of the retired member.

12. Prior to the date of retirement under subsection 2 or 3, a member may elect to receive the actuarial equivalent at that time of his retirement allowance in a lesser retirement allowance, payable throughout life under one of the following options with the provision that:

Option 1. Upon his death, his retirement allowance shall be continued throughout the life of and paid to his beneficiary, or

Option 2. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to his beneficiary, or

Option 3. Upon his death, his retirement allowance shall be continued throughout the life of and paid to his beneficiary, provided that in the event his designated beneficiary predeceases him, then his retirement allowance shall be adjusted at that time to the amount determined under subsection 2 or 3 at the time of his retirement, or

Option 4. Upon his death, one-half of his retirement allowance shall be continued throughout the life of and paid to his beneficiary, provided that in the event his designated beneficiary predeceases him, then his retirement allowance shall be adjusted at that time to the amount determined under subsection 2 or 3 at the time of his retirement.

13. If an option has been elected under subsection 12 of this section, and both the retired member and beneficiary die before receiving total benefits as

large as the member's accumulated contributions at retirement, the difference shall be paid to a designated beneficiary, if living, otherwise to the estate of the person last entitled to benefits.

14. If a member dies before retirement with five or more years of creditable service and a dependent of the member is designated as primary beneficiary to receive his accumulated contributions, such beneficiary may, in lieu thereof, request that benefits be paid under option 1, subsection 12, as if the member had retired under such option as of the date of death, provided that under the same circumstances a member may provide by written designation that benefits must be paid under option 1 to such beneficiary. A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving spouse or a person who at the time of the death of the member was receiving at least one-half of his support from the member, and the determination of the board of trustees as to whether a person is a dependent shall be final.

15. If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits within five years after such refund or benefits are otherwise first due and payable, the board may transfer the accumulated contributions to the benefit reserve fund. If, thereafter, proper application is made for refund or benefits, the board will allow them and make payment from the benefit reserve fund but no credit will be allowed for interest after the date the refund or benefits were first due and payable.

16. In lieu of accepting the payment of the accumulated contributions of a member who dies after having at least eighteen months of creditable service and while an employee, an eligible beneficiary or, if no surviving beneficiary, the unmarried dependent children of the member under eighteen years of age may elect to receive the benefits under subdivision (1), (2), (3), or (4) of this subsection. An "eligible beneficiary" is the surviving spouse, unmarried dependent children eighteen years of age or dependent parents of the member, if designated as beneficiary. A "dependent" is one receiving at least one-half of his support from the member at his death.

(1) A surviving spouse who is sixty-two years of age at the death of the member or upon becoming such age thereafter, and who was married to the member at least three years, may receive forty dollars per month for life as long as such spouse does not remarry. A spouse may receive this benefit after receiving benefits under subdivision (2);

(2) A surviving spouse who has in his or her care an unmarried dependent child of the deceased member under twenty-two years of age, and a full-time student, may receive forty dollars per month plus twenty dollars per month for each child under twenty-two years of age but not more than a total of one hundred dollars per month;

(3) If no benefits are payable under subdivision (2), unmarried dependent children under the age of twenty-two may receive forty dollars each per month, provided that if there are more than two such children eighty dollars per month shall be divided equally among them;

(4) A dependent parent upon attaining sixty-two years of age may receive forty dollars per month as long as not remarried provided no benefits are payable at any time under subdivision (1), (2), or (3). If there are two dependent parents entitled to benefits, forty dollars per month shall be divided equally between them;

(5) If the benefits under this subsection are elected and the total amount paid is less than an amount equal to the accumulated contributions of a member at his

death, the difference shall be payable to the beneficiary or the estate of the beneficiary last entitled to benefits.

17. If a retired member dies while receiving a disability retirement allowance, and prior to age sixty-five, the surviving spouse and children, if any, shall receive benefits under subsection 16 to the same extent as if he had died while an employee.

18. Should a service retirant again become a member, his retirement allowance payments shall cease during such membership and shall be resumed upon subsequent retirement together with such retirement allowance as shall accrue by reason of his latest period of membership. A retirant may not receive a retirement allowance payment in any month for which he receives compensation from an employing board, except he may serve as a substitute teacher for not to exceed sixty days in any school year without becoming a member and without having his retirement allowance discontinued.

19. Upon approval of the board of trustees, any member may make contributions in addition to those required. Any additional contributions shall be accumulated at interest and paid in addition to the benefits provided hereunder. The board of trustees shall make such rules and regulations as it deems appropriate in connection with additional contributions including limitations on amounts of contributions and methods of payment of benefits.

20. Notwithstanding any other provisions of this section, any member retiring on or after age sixty-five who shall have ten or more years of creditable service shall be entitled to an annual service retirement allowance of not less than six hundred dollars. Upon the death of such member, any benefits payable to the beneficiary of said member shall be computed as otherwise provided.

**169.490. Division of assets into four funds—payments to and disbursements from the funds—accrued liability, contribution.**—All the assets of the retirement system shall be held for four funds; namely, the members' saving fund, formerly called the annuity savings fund, the benefit reserve fund, the general reserve fund formerly called the pension accumulation fund, and the expense fund.

1. (1) The members' saving fund shall be the fund in which shall be accumulated contributions from the compensation of the members. The employing board shall cause to be deducted from the compensation of each member at every payroll period three percent of his compensation, and the amounts so deducted shall be transferred to the board of trustees and credited to the individual account of each member from whose compensation the deduction was made. In determining the amount earnable by a member in any payroll period, the board of trustees may consider the rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; it may omit deduction from compensation for any period less than a full payroll period if the employee was not a member on the first day of the payroll period; and to facilitate the making of the deductions, it may modify the deduction required of any member by such amount as shall not exceed one-tenth of one percent of the compensation upon the basis of which such deduction was made.

(2) The deductions provided for herein are declared to be a part of the salary of the member and the making of such deductions shall constitute payments by the member out of his salary or earnings and such deductions shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for his full salary or compensation, and the making of said deductions and the payment of salary or compensation less said deduction shall be a full and complete discharge and ac-



quittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.410 to 169.540.

(3) The accumulated contributions of a member withdrawn by him, or paid in a single sum as the only benefit to his beneficiary or estate in event of his death, shall be paid from the members' saving fund. Upon any other benefits becoming payable hereunder a member's accumulated contributions shall be transferred from the members' saving fund to the benefit reserve fund.

2. The benefit reserve fund shall be the fund from which shall be paid all retirement allowance granted to members and beneficiaries and all benefits in lieu of such retirement allowance payable as provided in sections 169.410 to 169.540. Should a retirant receiving such benefits be restored to active service and again become a member of the retirement system there shall be transferred from the benefit reserve fund to the members' saving fund and credited to his individual account an amount equal to the excess, if any, of his accumulated contributions originally transferred to the benefit reserve fund over the total retirement allowances paid to him.

3. (1) The general reserve fund shall be the fund in which shall be accumulated all contributions made by the school district. As of October 13, 1961, there shall be transferred from the general reserve fund to the benefit reserve fund the present value of all benefits then being paid from the pension accumulation fund. Thereafter the present value of retirement allowances or other benefits payable to a retirant or a beneficiary less the accumulated contributions of the member because of whom the benefits are payable shall be transferred from the general reserve fund to the benefit reserve fund. Upon recommendation of the actuary, the board of trustees may transfer such additional amounts from the general reserve fund to the benefit reserve fund as are found necessary by any valuation.

(2) There shall be paid annually into the general reserve fund by the school district an amount equal to a certain percentage of the total compensation of all members to be known as the "normal contribution", and an additional amount equal to a percentage of such compensation to be known as the "accrued liability contribution". The rates percent of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations. The retirement system shall make similar contributions for the members who are employees of the system.

(3) On the basis of interest and of such mortality and other tables as shall be adopted by the board of trustees, the actuary engaged by the board of trustees to make each valuation required during the period over which the accrued liability contribution is payable, immediately after making a valuation, shall determine the uniform and constant percentage of the compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate percent so determined shall be known as the "normal contribution rate". After the accrued liability contribution has ceased to be payable the normal contribution rate shall be the rate percent of the compensation of all members obtained by deducting from the total liabilities of the fund the amount of funds in hand to the credit of the fund and dividing the remainder by one percent of the present value of the prospective future compensation of all members in service as computed on the basis of the mortality and service tables on a rate of interest adopted by the board of trustees. The normal rate of contribution shall be determined by the actuary after each valuation.

(4) At the first valuation following October 13, 1961, the actuary engaged by the board of trustees shall compute the present value of the total liability for retirement allowance on account of all members and beneficiaries which is not dischargeable by the assets in the general reserve fund, the members' saving fund and by the value of the prospective normal contributions payable on account of such members during the remainder of their active service at the normal rate then in force, and such liability not so dischargeable shall be known as the "accrued liability". A calculation shall then be made to determine the annual amount required to liquidate the accrued liability in fifty years, and the amount so obtained shall be expressed as a percentage of the total earnable compensation of all members in service. This percentage of such total compensation shall be known as the "accrued liability contribution rate", and shall be payable until the accrued liability has been liquidated. Provided that the board may authorize a re-determination by the actuary of the accrued liability contribution rate within the limitation that the accrued liability will be amortized not later than the end of the fifty years from October 13, 1961.

(5) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the general reserve fund shall equal the present value as actuarially computed and approved by the board of trustees of the total liabilities of said fund, less the present value computed on the basis of the normal contribution rate then in force of the prospective normal contributions to be received on account of members who are at that time in service.

4. The expense fund shall be the fund to which shall be credited all interest and other earnings or losses on the moneys and other assets of the retirement system, and from which fund shall be paid all the expenses necessary in connection with the administration and operation of the retirement system, including payments of contributions to the general reserve fund on account of members who are employees of the retirement system, and from which fund shall be apportioned by transfer to the other funds annually such interest as is approved by the board of trustees. Annually the board of trustees shall also estimate the amount of money required to be left in the expense fund during the ensuing year to provide for all expenses of administration of the retirement system.

5. Gifts, devises, bequests and legacies may be accepted by the board of trustees to be held and invested as are other funds, and, except where specific direction for the use of a gift is made by a donor, used at its discretion for the benefit of the retirement system.

**169.560. Retirees may be employed for limited time.**—Any retired teacher as defined in section 169.010 and any retired educational secretary who is currently receiving a retirement allowance, other than for disability, may serve as a part-time or temporary substitute teacher or part-time or temporary substitute educational secretary, as the case may be, not to exceed three hundred sixty hours in any one school year; and the retirement allowance of such retired employee shall not be reduced or discontinued because of such service nor shall such retired employee contribute to the retirement system because of earnings during such period of employment.

Approved May 31, 1978.

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[Revision S. B. 742]

**EDUCATION AND LIBRARIES: Retirement systems in certain public school districts.**

AN ACT to repeal section 169.290 RSMo Supp. 1975, relating to retirement systems in certain public school districts, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

1. Enacting clause.

## SECTION

169.290. Employees to be members—termination of membership—election of plan, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 169.290, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 169.290, to read as follows:

**169.290. Employees to be members—termination of membership—election of plan, when.**—1. All persons who become employees and all employees who enter or reenter the service of the school district or retirement system after the date the retirement system begins operation shall become members as a condition of their employment.

2. Any employee in service on the date the retirement system becomes operative shall become a member as of that date unless prior thereto he shall file with the board of trustees on a form prescribed by the board of trustees a notice of his election not to become a member of the retirement system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

3. Any employee whose membership is contingent on his own election and who elects not to become a member and any employee ineligible as a member on the operative date because of a board rule, which rule was rescinded during the first year of operation, may become a member, but no such employee shall receive credit for prior service unless he becomes a member within one year from the date the retirement system becomes operative except as provided in subsection 6 of section 169.300.

4. Should any member with less than the years of creditable service required for vesting of accrued benefits not be an employee for more than four consecutive years, or should any member withdraw his accumulated contributions or should any member become a retirant, or die, he shall thereupon cease to be a member; provided that leaves of absence for military or naval service or leaves of absence for academic study or illness shall be for such period as the board of trustees shall approve.

5. Any member who has five or more years of creditable service and who has attained age forty may leave his accumulated contributions with the system as an inactive member with vested accrued benefits.

6. (1) All persons who have become members under provisions of this section may elect to remain under plan A as provided in sections 169.270 to 169.400, provided they shall file with the board of trustees on a form prescribed by the board a notice of such election within thirty days after October 13, 1961.

(2) All members who do not elect to remain under plan A and all persons regularly employed after October 13, 1961, shall contribute and receive benefits in accordance with plan B.

(3) Any employee under plan A shall upon request be transferred to plan B, provided that he pays into the system any additional contributions with interest he would have had credited to his account if he had been a member of plan B since its inception; or if his contributions and interest are in excess of what he would have paid, he will receive a refund of such excess.

Approved May 3, 1978.

[H. B. 1503]

**EDUCATION AND LIBRARIES: Retirement systems for employees of school districts.**

AN ACT to repeal section 169.320, RSMo 1969, and section 169.350, RSMo Supp. 1975 and section 169.324, RSMo Supp. 1977, relating to retirement systems for employees of school districts now or hereafter having a population of not less than four hundred thousand and not more than seven hundred thousand inhabitants, and to enact in lieu thereof three new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
 169.320. Member may retire, when—compulsory retirement.  
 169.324. Retirement allowances.

**SECTION**

- 169.350. Assets held in two funds—source and disbursement thereof—deductions—contributions and other receipts.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 169.320, RSMo 1969, Section 169.350, RSMo Supp. 1975 and section 169.324 RSMo Supp. 1977, are repealed and three new sections enacted in lieu thereof, to be known as sections 169.320, 169.324 and 169.350, to read as follows:

**169.320. Member may retire, when—compulsory retirement.**—Retirement of a member on a service retirement allowance shall be made by the board of trustees, as follows:

(1) On and after the effective date of this act, any member who has five or more years of creditable service may retire on a service retirement allowance upon his written application to the board of trustees setting forth at what time not less than thirty days or more than ninety days subsequent to the execution and filing thereof he desires to be retired; provided, that the member at the time so specified for his retirement shall have attained his minimum normal service retirement age, and notwithstanding that during such period of notification he may have separated from service. The minimum normal service retirement age for members under plan A shall be sixty-two and for members under plan B shall be sixty. Any member having thirty years of creditable service regardless of age may voluntarily retire upon giving sixty days' written notice of intention to do so and shall thereafter be entitled to receive monthly payments which are the actuarial equivalent of the monthly payments to which he would have been entitled had his retirement been at the minimum normal retirement age.

(2) Any member in service who has attained the age of seventy years shall be retired forthwith; provided, however, if such member shall attain the age of seventy years subsequent to the beginning of the fiscal year, then such retirement shall automatically be effective at the end of the school district's fiscal year.

**169.324. Retirement allowances.**—1. Upon retirement from service a plan A member on or after his normal retirement age shall receive an annual service retirement allowance payable in equal monthly installments which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions, with interest, at the time of his retirement; and

(2) A pension in addition to his annuity which together with his annuity shall aggregate one and one-fourth percent of his average final compensation multiplied by the number of years of his creditable service.

2. Upon retirement from service on or after his minimum normal service retirement age, a plan B member shall receive an annual service allowance payable in monthly installments equal to his number of years of creditable service multiplied by the sum of:

- (1) One percent of his final average compensation; and
- (2) One-half percent of that part of his final average compensation in excess of the benefit earnings base then in effect; except that, by a majority vote of the school district board of education and a majority vote of the board of trustees the benefit earnings base may be set at six thousand five hundred dollars.
- (3) If at retirement from service the accumulated contributions of a member would provide more than one-half of his retirement allowance based on the interest rate, mortality and other tables then adopted by the board of trustees, the amount of his retirement allowance shall be increased by such excess over one-half.

**169.350. Assets held in two funds—source and disbursement thereof—deductions—contributions and other receipts.—1.** All of the assets of the retirement system shall be credited, according to the purpose for which they are held, between two funds; namely, the employees contribution fund and the general reserve fund.

(1) The employees contribution fund shall be the fund in which shall be accumulated the contributions of the members. The board of education shall cause to be deducted from the compensation of each member as follows:

(a) All members under plan A whose creditable service is less than forty years, on each and every payroll for each and every payroll period, five percent of his earnable compensation for such period;

(b) All members under plan B, on each and every payroll and for each and every payroll period, five percent of his earnable compensation and two percent of that part of his earnable compensation in excess of his contribution earnings base for such period; except that, by a majority vote of the school district board of education and a majority vote of the board of trustees the contribution earnings base may be set at six thousand five hundred dollars;

(c) Deductions from salaries shall be paid at once in the employees contribution fund and shall be creditable to the individual account of each member from whose compensation the deduction was made. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(2) The deductions provided for herein are declared to be a part of the salary of the member and the making of such deductions shall constitute payments by the member out of his salary or earnings and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member and shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for his full salary or compensation, and the making of said deduction and the payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(3) The accumulated contributions with interest of a member withdrawn by him or paid to his estate or designated beneficiary in event of his death before retirement shall be paid from the employees contributions fund. Upon retirement of a member his accumulated contributions with interest shall be transferred from the employees contribution fund to the general reserve fund.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses, and other demands

whatsoever upon the retirement system except those items heretofore allocated to the employees contribution fund.

(1) All contributions by the board of education shall be credited to the general reserve fund.

(2) All amounts in the annuity reserve fund and pension reserve fund as of October 13, 1965, shall be transferred as of such date to the general reserve fund and benefits heretofore paid from such funds shall be thereafter paid from the general reserve fund. Should a retirant be restored to active service and again become a member of the retirement system the excess, if any, of his accumulated contributions over benefits received by him shall be transferred from the general reserve fund to the employees contribution fund and credited to his account.

(3) On the basis of interest and tables as adopted by the board of trustees the actuary at the time of each annual valuation shall determine the percentage to apply to the total compensation of all members to obtain the required annual contribution by the board of education. This percentage shall consist of the normal contribution rate plus the accrued liability rate. The normal contribution rate is the level percentage of compensation required to be contributed over the period of active service of the average member to provide for the part of his benefits which is not provided for by his own contribution. The unfunded accrued liability as of the effective date is the present value of all future benefits less the assets on hand and less the present value of (a) the future normal contributions in behalf of the members by the board of education and (b) the future contributions by the members. The minimum accrued liability contribution rate shall be the percentage of the total compensation calculated to prevent an increase in the unfunded accrued liability. The maximum accrued liability rate shall be the percentage of the total compensation required to amortize the unfunded accrued liability in not less than forty years from the effective date. The annual contribution by the board of education shall not exceed nine percent of the total compensation of all members.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at their discretion for the benefits of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Upon approval of the board of trustees, any member may make contributions in addition to those required. Any additional contributions shall be accumulated at interest and paid in addition to the benefits provided hereunder. The board of trustees shall make such rules and regulations as it deems appropriate in connection with additional contributions including limitations on amounts of contributions and methods of payment of benefits.

Approved June 14, 1978.

[S. B. 954]

**EDUCATION AND LIBRARIES: Schools districts operating schools for less than statutory minimum number of school days.**

**AN ACT** to prevent the loss of state aid for school districts operating schools for less than the statutory minimum number of school days, with an emergency clause.

**SECTION**

1. School district to make up days lost to inclement weather.

**SECTION**

2. Make up of days lost or cancelled.  
A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. School district to make up days lost due to inclement weather.**—The provisions of sections 163.021 and 171.031, RSMo, or any other state law to the contrary notwithstanding, in the 1977-78 school year a school district shall be required to make up all of the first ten days of school lost or cancelled due to inclement weather.

**Section 2. Make up of days lost or cancelled.**—Beginning with the 1978-79 school year, no school district shall be exempt from any requirement to make up any days of school lost or cancelled due to inclement weather, unless that school district schedules at least two-thirds as many make up days for a school year as were lost in the previous school year, which days shall be in addition to the school calendar days required for a school term by Section 171.031. A school district shall be required to make up all of the first eight days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of eight days.

**Section A. Emergency clause.**—Because of the large number of days lost by schools this winter due to the unusually severe winter and because of the necessity for students and teachers in affected schools to begin summer school at times before the school year would end if the district was forced to make up the lost days, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved April 12, 1978.

[H. B. 1691]

# **EDUCATION AND LIBRARIES: Establishment of a college of optometry.**

**AN ACT** pertaining to the establishment of a college of optometry at the University of Missouri at St. Louis.

## **SECTION**

1. College of optometry authorized—agreement, conditions.

## **SECTION**

2. Board of curators to develop at St. Louis—acceptance of students—funds, how expended.
3. Cooperation, planning.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. College of optometry authorized—agreement, conditions.**—The Missouri Coordinating Board for Higher Education is authorized to enter into an agreement with other states for the establishment of a regional college of optometry, as provided for in the federal public health service act, provided that:

- a. The annual cost of operating the college, including equipment and supplies and the amortization of original building costs together with supplemental capital improvement costs, beyond such funds as may be available from federal and other non-state sources, shall be borne equally by the states party to the agreement on a pro-rata, per student basis; and
- b. the capital construction costs shall be met by 75% federal funds as provided in the federal legislation referenced herein.

**Section 2. Board of curators to develop at St. Louis—acceptance of students—funds, how expended.**—The Board of Curators of the University of Missouri

is hereby authorized to develop an accreditable structure of a college of optometry at the University of Missouri-St. Louis, however, no students may be accepted until the execution of an agreement as described in section 1 of this act. Upon execution of an agreement as described in section 1, the Board of Curators of the University of Missouri may complete the development of a college or school of optometry and include in its budget request to the Governor and General Assembly funds necessary to support Missouri's share of the operating and capital costs of the college, provided, however, such appropriations shall not be expended to educate any student who is not a bona fide resident of Missouri at the time of his initial acceptance as a student of the university.

**Section 3. Cooperation, planning.**—Prior to the execution of an agreement as described in section 1 of this act, the Department of Higher Education and the University of Missouri are authorized only to engage in such planning and research activities as may be required to effect that agreement.

Approved May 4, 1978.

[H. B. 891]

**EDUCATION AND LIBRARIES: Loans to certain students of postsecondary education.**

AN ACT relating to the guarantee of loans to certain students of postsecondary education and to the financial assistance program and repealing sections 173.095, 173.100, 173.110, 173.120, 173.130, 173.140, 173.150, 173.160, 173.170, 173.180, and 173.190, RSMo 1969, and enacting in lieu thereof twelve new sections relating to the same subject.

**SECTION**

- 1. Enacting clause.
- 173.095. Declaration of policy.
- 173.100. Definitions.
- 173.105. Board and department, duties—required federal reports, submitted to whom—rules, rejection by resolution.
- 173.110. Department may guarantee student loans—subrogation—charges for guarantee—defaults, how paid—amount guaranteed, limit.
- 173.120. Fund established—appropriation not to lapse—no transfer from fund—administration of fund.
- 173.130. Funds not currently needed may be invested, how.
- 173.140. Residency regulation to be established by board.

**SECTION**

- 173.150. Recovery of loans.
- 173.160. Standards of eligibility for loans.
- 173.170. Standards of eligibility of loan agreements—discrimination prohibited.
- 173.180. Filing of regulations.
- 173.190. Authorized actions of the board.
- 173.181. Lender of second resort.
- 173.182. Guaranty agency of lender of second resort, designation.
- 173.183. Qualified non-profit corporation defined.
- 173.184. Lender of second resort may issue revenue bonds—interest paid to bondholders exempt from taxation, qualifications.
- 173.185. Revenue bonds—obligation of whom—paid, how.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 173.095, 173.100, 173.110, 173.120, 173.130, 173.140, 173.150, 173.160, 173.170, 173.180 and 173.190, RSMo 1969 are repealed and twelve new sections enacted in lieu thereof, to be known as sections 173.095, 173.100, 173.105, 173.110, 173.120, 173.130, 173.140, 173.150, 173.160, 173.170, 173.180 and 173.190, to read as follows:

**173.095. Declaration of policy.**—In recognition of the role of education in modern society and its influence upon whether or not a citizen will beneficially contribute to his state and community by his talents and developed abilities, and in recognition that educational opportunity should not be limited by the financial means of the student, and in further recognition of the public purposes designated



by the United States through the Higher Education Act of 1965, P.L. 89-329, as amended, and the National Vocational Student Loan Insurance Act of 1965, P.L. 89-287, the general assembly of the state of Missouri declares that state assistance to postsecondary students will benefit the state economically and culturally and is a public purpose of great importance.

**173.100. Definitions.**—As used in sections 173.095 to 173.190 the following terms mean:

- (1) "Board", the Missouri coordinating board for higher education;
- (2) "Department", the Missouri department of higher education;
- (3) "Eligible borrower", any person attending an eligible institution in Missouri, or a Missouri resident attending any eligible institution;
- (4) "Eligible institution", any institution of postsecondary education, including a university, college, vocational and technical school, and other postsecondary institution, which has been approved for purposes of participation in the Missouri guaranteed student loan program by the department and the United States commissioner of education;
- (5) "Eligible lender", any bank, savings and loan association, credit union, insurance company, pension fund, eligible educational institution lender, or the federal student loan marketing association or other secondary market operation;
- (6) "Fund", the state guaranty student loan fund;
- (7) "Program", the Missouri guaranteed student loan program.
- (8) "Lender of second resort", a lender under the program which shall provide loans to eligible borrowers only upon receipt of evidence that the eligible borrower had been refused a loan by one or more commercial lenders.

**173.105. Board and department, duties—required federal reports, submitted to whom—rules, rejection by resolution.**—1. The board shall determine the basic policies for the loan program and shall promulgate rules and regulations necessary to establish the loan program and to carry out the purposes of sections 173.095 to 173.190. The basic policies of the board and all rules and regulations promulgated pursuant to sections 173.095 to 173.190 shall be designed to encourage maximum involvement and participation by lenders and financial institutions in the student loan program. Lenders and financial institutions shall be encouraged by institutions of higher education to maximize the number of loans available to students. It shall be the responsibility of the Coordinating Board for Higher Education to establish guidelines and criteria for institutions of higher education for usage in maximizing the availability of student loans. The department shall be the administrative agency for the implementation of the program, and may employ such personnel as is necessary, in excess of the number provided in subsection 2 of section 6 of the omnibus state reorganization act of 1974 as found in RSMo Supp. 1975, pages 1266 to 1268, to administer the provisions of sections 173.095 to 173.230.

2. All reports relating to the guaranteed student loan program which are now or may hereafter be required by the federal government shall also be submitted to the director of the Office of Administration and to the Senate and House appropriations committees.

3. Any rules and regulations of the department of higher education will stand unless they are rejected by resolution concurred in by both the house and senate.

**173.110. Department may guarantee student loans—subrogation—charges for guarantee—defaults, how paid—amount guaranteed, limit.**—1. The department is authorized to issue certificates of guaranty covering student loans by eligible

lenders which meet the requirements of sections 173.095 to 173.190 and the regulations of the board adopted hereunder to eligible borrowers, and to pay from the fund to an eligible lender the amount of the loss on any guaranteed loan in the event the student defaults. Upon payment of the loss the department shall be subrogated to all the rights of the eligible lender.

2. The department shall charge for each guaranteed loan a special loan insurance premium of up to one percent per annum which shall be paid to the department by the borrower. Amounts so received shall be used by the department to pay the costs of administering the program and to guarantee student loans.

3. All moneys paid to satisfy a defaulted guaranteed loan can only be paid out of the state guaranty loan fund hereinafter established.

4. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment as determined by the State Auditor, can be guaranteed by the fund.

**173.120. Fund established—appropriation not to lapse—no transfer from fund—administration of fund.**—1. The "State Guaranty Student Loan Fund" is established and shall consist of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources made for the purpose of assisting students in financing their education. Notwithstanding the provisions of section 33.030, RSMo, no portion of the fund shall be transferred to the general revenue fund and any appropriation made to the fund shall not lapse, but the board shall hold the fund in the same manner as the curators of the University of Missouri and the other state educational institutions are directed to hold funds not subject to lapse or transfer.

2. All moneys recovered by the department for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and credited to the fund.

3. The fund shall be administered by the department.

**173.130. Funds not currently needed may be invested, how.**—Moneys in the fund, both unobligated and obligated as a reserve, which in the judgment of the board are not currently needed for the payment of defaults of guaranteed loans, may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.

**173.140. Residency regulation to be established by board.**—The board shall adopt and promulgate regulations establishing standards for determining residence for purposes of this program.

**173.150. Recovery of loans.**—The board, by rules and regulations, shall determine the policy of collections and recovery of loans, including the use of private collection agencies. Pursuant to the rules and regulations of the board the department may institute action to recover any amount due the program in any loan transaction, use private collection agencies, or otherwise carry out the policy set by the board.

**173.160. Standards of eligibility for loans.**—The board shall adopt and promulgate regulations established standards for determining eligible institutions, eligible lenders, and eligible borrowers under sections 173.095 to 173.190. These standards shall include, but are not limited to, the following:

(1) The student's enrollment in an eligible institution, where his good standing and workload meet the criteria of the institution;

- (2) The total guaranteed loans made to a student for one academic year;
- (3) The aggregate insured unpaid principal of all guaranteed loans made to any student;
- (4) The loans received by the student other than those guaranteed under the provisions of sections 173.095 to 173.190;
- (5) The need of the student for the loan;
- (6) The proportion of guaranteed outstanding student loans in default or potential default status from individual institutions or lenders;
- (7) The percentage of the enrolled students at an institution who have guaranteed student loans and then withdraw during the first three months of instruction; and
- (8) The proportion of students at an institution having received guaranteed loans.

**173.170. Standards of eligibility of loan agreements—discrimination prohibited.**—1. The board shall adopt regulations establishing standards for determining eligibility of loan agreements to be guaranteed under the provisions of sections 173.095 to 173.190. The regulations shall provide for, but not be limited to, the following:

- (1) The requirement or nonrequirement of security or endorsement;
- (2) The manner and time of repayment of the principal and interest;
- (3) The maximum rate of interest;
- (4) The right of the borrower to accelerate payments without penalty;
- (5) The amount of the guaranty charge;
- (6) The effective period of the guaranty;
- (7) The percent of the loan covered by the guaranty;
- (8) The assignability of loans by the lender;
- (9) Procedures in the event of default by the borrower;
- (10) The due diligence effort on the part of lenders for collection of guaranteed loans;
- (11) Collection assistance to be provided to lenders; and
- (12) The extension of the guaranty in consideration of duty in the armed forces, unemployment, or hardship.

2. The eligibility of any person for a student loan under the provisions of sections 173.095 to 173.190 shall not be determined or otherwise affected by any considerations of that person's race, religion, sex, creed, color, location of residence, or choice of eligible institution.

**173.180. Filing of regulations.**—The regulations of the board for the program shall be filed with the secretary of state as provided by statute before they shall become effective.

**173.190. Authorized actions of the board.**—The board may

- (1) Enter into agreements with and receive grants from the United States government in connection with federal programs of assistance to students of postsecondary education;
- (2) Contract with public agencies or private persons or organizations for the purpose of carrying out the administrative functions imposed upon it by sections 173.095 to 173.190;
- (3) Call upon agencies of the state which have actuarial or financial expertise for consultation and advice.

**173.181. Lender of second resort.**—In order to assure that all eligible postsecondary education students have access to guaranteed student loans, the Gov-

ernor of the State of Missouri is further authorized to request a qualified non-profit corporation to provide a statewide student loan program which shall serve as lender of second resort for postsecondary education students who are denied a student loan from a commercial lender.

**173.182. Guaranty agency of lender of second resort, designation.**—In order to insure that all student loans made by the lender of second resort are guaranteed, another eligible non-profit organization may be designated by the Governor to serve as a guarantee agency in the state of Missouri solely and fully responsible for obligations incurred by the lender of second resort, including student loan guarantee agreements, default claims and any other contractual obligations, and none of these obligations to the lender of second resort shall be obligations of the State of Missouri.

**173.183. Qualified non-profit corporation defined.**—A "qualified non-profit corporation" for purposes of this Act, shall mean a non-profit corporation which is either (1) approved as a non-profit corporation providing a statewide student loan program under the federal guaranteed student loan program pursuant to the applicable provisions of the higher education act of 1965, as amended, and (2) qualified to issue tax exempt bonds for student loans pursuant to the applicable provisions of sections 103 of Internal Revenue Code of 1954, as amended, or is a Missouri state or independent, not-for-profit institution of higher education.

**173.184. Lender of second resort may issue revenue bonds—interest paid to bondholders exempt from taxation, qualifications.**—A qualified non-profit corporation, which provides a statewide student loan program of second resort, may issue revenue bonds for the purposes of obtaining funds for making student loans and all such revenue bonds and all interest paid to holders thereof, shall be exempt from taxation of every kind by the State of Missouri and by any taxing subdivision thereof, provided that said corporation is incorporated as a Missouri corporation, and further provided that a minimum of two-thirds (2/3) of the corporation's board of directors are residents of the State of Missouri other than employees of the corporation, and provided that the corporation shall conduct its business in full compliance with the provisions of sections 610.010 to 610.030, RSMo.

**173.185. Revenue bonds—obligation of whom—paid, how.**—Revenue bonds issued by a qualified non-profit corporation providing a statewide student loan program of second resort as authorized under this act shall be obligations of the qualified non-profit corporation and shall be payable solely by the corporation from revenues and funds of the corporation. Revenue bonds issued by such qualified non-profit corporation shall not be obligations of the State of Missouri and shall not constitute debt of the State of Missouri, which language shall be clearly printed on the face of each bond.

Approved May 9, 1978.

[H. B. 1735]

**EDUCATION AND LIBRARIES: Definitions used in the law providing state financial assistance to students.**

AN ACT to repeal section 173.205, RSMo Supp. 1975, relating to definitions used in the law providing state financial assistance to qualified students, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

## 1. Enacting clause.

## SECTION

## 173.205. Definitions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 173.205, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 173.205, to read as follows:

**173.205. Definitions.**—As used in sections 173.200 to 173.235, unless the context requires otherwise, the following terms mean:

(1) "Academic year", the period from August first of any year through July thirty-first of the following year;

(2) "Approved private institution", a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides at least a collegiate level course of instruction for a minimum of two years, leading or directly creditable toward an associate or baccalaureate degree;

(c) Meets the standards for accreditation as determined by the North Central Association of Colleges and Secondary Schools;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(e) Permits faculty members to select textbooks without influence or pressure by any source;

(3) "Approved public institution", an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a collegiate level course of instruction for a minimum of two years leading to or directly creditable toward an associate or baccalaureate degree;

(d) Meets the standards for accreditation as determined by the North Central Association of Colleges and Secondary Schools, or if a public junior college created pursuant to the provisions of sections 178.370 to 178.400, RSMo, meets the standards established by the coordinating board for higher education for such public junior colleges;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(f) Permits faculty members to select textbooks without influence or pressure by any source;

(4) "Coordinating board", the coordinating board for higher education;

(5) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 173.200 to 173.235;

(6) "Financial need", the difference between the financial resources available to an applicant as determined by the coordinating board, and the applicant's anticipated expenses, including tuition, mandatory fees, and board and room

while attending an approved private or public institution of higher education. In determining need the coordinating board shall employ a formula similar to nationally recognized comprehensive mechanisms for determining need, such as those of the American College Testing Program or the College Scholarship Service;

(7) "Full-time student", an individual who is enrolled in and is carrying sufficient number of credit hours or their equivalent at an approved private or public institution to secure the degree or certificate toward which he is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled.

Approved June 8, 1978.

[S. B. 703]

**EDUCATION AND LIBRARIES: City teacher training schools.**

**AN ACT** to repeal sections 163.171, and 178.410, RSMo 1969, and section 163.181, RSMo Supp. 1977, relating to city teacher training schools, and to enact in lieu thereof five new sections relating to the same subject.

**SECTION**

1. Enacting clause.
2. Harris-Stowe College—Board of Regents, appointment, terms.

**SECTION**

3. Transfer of facility.
4. Operation.
5. Funding.
6. Employees' retirement system provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 163.171, and 178.410, RSMo 1969, and section 163.181, RSMo Supp. 1977, are repealed and five new sections enacted in lieu thereof, to be known as sections 2, 3, 4, 5 and 6, to read as follows:

**Section 2. Harris-Stowe College—Board of Regents, appointment, terms.**—Prior to October 17, 1978, the governor shall, with the advice and consent of the senate, appoint a six member board of regents to assume the general control and management of Harris-Stowe College. The members of the board shall serve for terms of six years each, except for the members first appointed, two of whom shall serve two year terms, two of whom shall serve four year terms, and two of whom shall serve six year terms. Not more than three of the regents shall be affiliated with any one political party.

**Section 3. Transfer of facility.**—There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis Board of Education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe College, to the board of regents, and during which time the St. Louis Board of Education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be responsible for every aspect of the college's operation.

**Section 4. Operation.**—Harris-Stowe College, as reorganized, shall continue to be an undergraduate college with primary emphasis in elementary and urban education. Nothing in this act shall be construed as authority for Harris-Stowe College to become a comprehensive liberal arts institution.

**Section 5. Funding.**—The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe College and to make appropriate capital improvements.

**Section 6. Employees' retirement system provisions.**—1. Any person employed by Harris-Stowe College prior to September 1, 1978, who is a member of the public school retirement system established in sections 169.410 to 169.540, RSMo, shall remain a member of that system. Any employer contributions required to be made by sections 169.410 to 169.540, RSMo, shall be made by the state of Missouri.

2. Any person employed on or after September 1, 1978, as an instructor, teacher or administrator of Harris-Stowe College is a member of the public school retirement system of Missouri created by sections 169.010 to 169.130, RSMo. Any other person employed on or after September 1, 1978, as an employee of Harris-Stowe College is a member of the Missouri state employees' retirement system established by sections 104.310 to 104.550, RSMo.

Approved May 31, 1978.

[H. B. 884]

**PUBLIC HEALTH AND WELFARE: Education of students in health professions.**

**AN ACT** relating to financial aid for the education of students in certain health professions.

**SECTION**

1. Definitions.
2. Board to administer—may make rules and regulations.
3. Contracts for loans to include terms.
4. Requirements for application.
5. Maximum amount of loans—source of funds.
6. Number of loans available—to whom—length of loans.

**SECTION**

7. Interest on loans—repayment terms—temporary deferral.
8. Termination of course of study, effect.
9. Repayment schedules, extraordinary conditions.
10. Recovery—actions for.
11. Approval of contracts.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Definitions.**—As used in this act, unless the context clearly indicates otherwise, the following terms mean:

(1) "Area of defined need", a community or section of an urban area of this state which is certified by the division of health of the department of social services as being in need of the services of a physician to improve the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

(2) "Board", the state board of health;

(3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy at a participating school;

(4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to this act;

(5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program by the American Medical Association or the American Osteopathic Association;

(6) "Resident", any natural person who has lived in this state for one or

more years for any purpose other than the attending of an educational institution located within this state;

(7) "Rural area", a town or community within this state which is not within a "Standard Metropolitan Statistical Area", and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.

**Section 2. Board to administer—may make rules and regulations.**—The state board of health shall be the administrative agency for the implementation of the program established by this act. The board shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of this act. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.

**Section 3. Contracts for loans to include terms.**—The board shall enter into a contract with each applicant receiving a state loan under this act for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in this act.

**Section 4. Requirements for application.**—An eligible student may apply to the board for a loan under this act only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, and is a resident of this state.

**Section 5. Maximum amount of loans—source of funds.**—No loan to any eligible student shall exceed six thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the board by the general assembly for the purposes of this act.

**Section 6. Number of loans available—to whom—length of loans.**—No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. Twenty-five new loans may be made for the next three academic years until a total of one hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in this act. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy.

**Section 7. Interest on loans—repayment terms—temporary deferral.**—Interest at the rate of nine and one-half percent per year shall be charged on all loans made under this act but one fourth of the interest and principal of the total loan at the time of the awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The board shall grant a deferral of interest and principal payments to a loan recipient who is pursuing an internship or a residency in general or family practice. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the board to insure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of their internship or their general or family practice residency in accordance with the loan contract.



**Section 8. Termination of course of study, effect.**—If a student ceases his study prior to receiving a degree, interest at the rate specified in section 7 of this act shall be charged on the amount received from the state under the provisions of this act.

**Section 9. Repayment schedules, extraordinary conditions.**—The board shall establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of this act and not forgiven as provided in section 7 of this act.

**Section 10. Recovery—actions for.**—When necessary to protect the interest of the state in any loan transaction under this act, the board may institute any action to recover any amount due.

**Section 11. Approval of contracts.**—The contracts made with the participating students shall be approved by the attorney general.

Approved April 28, 1978.

[S. B. 509]

**PUBLIC HEALTH AND WELFARE: Department of Natural Resources Water Supply Program.**

**AN ACT** to repeal sections 192.180, 192.190, 192.200, 192.220 and 192.320, RSMo 1969, relating to the department of natural resources water supply program and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions, and with an expiration date.

**SECTION**

1. Enacting clause.
- 192.180. Department to make rules to insure quality of drinking water, procedure—expiration, approval, resubmission—Division of Health to assist—department to inventory—advisory committee authorized.
- 192.185. Qualification of committee members, terms — organization — reimbursement for expenses.
- 192.190. Fund established—deposits, disbursements.
- 192.200. Information to be furnished—approval of supplies—system changes to conform to rules.

**SECTION**

- 192.202. Tests required—entry for inspection.
- 192.204. Test results to be reported—records to be retained—notice—information to be provided.
- 192.210. Emergencies—actions to be taken—penalties.
- 192.212. Fluoride rules prohibited.
- 192.215. Department may cooperate with others—may receive aid, conduct training and research—may financially assist in construction of water systems.
- 192.320. Violation of law or quarantine—penalty.
  - A. Expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 192.180, 192.190, 192.200, 192.220 and 192.320, RSMo 1969 are repealed and ten new sections enacted in lieu thereof, to be known as sections 192.180, 192.185, 192.190, 192.200, 192.202, 192.204, 192.210, 192.212, 192.215 and 192.320, to read as follows:

**192.180. Department to make rules to insure quality of drinking water, procedure—expiration, approval, resubmission—Division of Health to assist—department to inventory—advisory committee authorized.**—1. The department of natural resources shall make and enforce rules and regulations for the maintenance of a safe quality of water dispensed to the public.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the department of natural resources after at least thirty days prior notice in the manner prescribed

by the rule making provisions of chapter 536, RSMo, 1969, and an opportunity given to the public to be heard; the department of natural resources may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the department of natural resources with respect to the subject thereof.

3. Any rule promulgated pursuant to this act shall expire thirty months after the effective date of the rule, unless, prior to such expiration both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. No rule which has expired, no rule which is substantially similar to an expired rule, and no rule which was rescinded in the prior twelve months, shall be submitted to the Secretary of State unless the General Assembly, after the expiration or rescission of the original rule, has by law given new, specific rule making authority in the area covered by the expired or rescinded rule.

4. The department of natural resources shall make rules and regulations for the collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The division of health shall at the request of any supplier, make any analysis or tests required under the terms of this act without charge to the supplier.

5. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

6. The director of the department of natural resources shall appoint a safe drinking water "Advisory Committee" to assist and advise the director in the promulgation of rules and regulations to insure the quality of drinking water. Prior to public hearings for the adoption of rules and regulations the department of natural resources shall make available to the advisory committee all background information and data for the proposed rules and regulations. Any findings and reports of the advisory committee shall be available to the public by the department of natural resources. Information so transmitted shall be considered by the director, with other comments and information obtained during public hearings, in making a final determination.

**192.185. Qualification of committee members, terms—organization—reimbursement for expenses.—**1. The advisory committee shall be composed of eight persons. All members of the advisory committee shall be representative of the general interest of the public or of public water systems. The members shall be comprised of the following individual members: four shall be associated with the operation of public water systems, one of which shall be associated with a water system serving a population of seventy-five or less, one of which shall be associated with a water system serving a population greater than seventy-five but not more than two thousand five hundred, one of which shall be associated with a water system serving a population greater than two thousand five hundred and less than one hundred thousand, and one of which shall be associated with a water system serving a population of more than one hundred thousand; one member shall be a registered professional civil, chemical or sanitary engineer, who shall be knowledgeable in water supply practice; one member shall be a toxicologist or have equivalent medical experience; one member shall represent the water consuming public; and one member shall be an official of a com-

munity being served by a public water system. All members shall have demonstrated an interest and knowledge about water quality. All members shall be qualified by interest, education, training or experience to provide, assess and evaluate scientific and technical information concerning drinking water, financial requirements and the effects of the promulgation of standards, rules and regulations.

2. At the first meeting of the committee, and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman. Meetings may be called by the director of the department of natural resources. Five members shall constitute a quorum. The members' terms shall be four years and until their successors are selected and qualified; provided, however, that of the original members appointed, four members shall serve a term of two years and four members shall serve a term of four years. Thereafter, all members appointed shall serve a term of four years. There is no limitation on the number of terms a member may serve. If a vacancy occurs, the director of the department of natural resources may appoint a member for the remaining portion of the unexpired term created by the vacancy.

3. The members of the committee shall be reimbursed for travel and other actual and necessary expenses incurred in the performance of their duties.

**192.190. Fund established—deposits, disbursements.**—1. There is hereby established in the state treasury the "Safe Drinking Water Fund." All fees or other moneys payable under the provisions of this act shall be payable to and collected by the director of revenue and deposited in the safe drinking water fund. The money in the safe drinking water fund, after appropriation, shall be expended upon proper warrants issued by the commissioner of administration for the payment of salaries and expenses, including any fee or payment necessary for carrying out the provisions of this act.

2. The analysis of all drinking water required by this act shall be made by the division of health laboratories or laboratories certified by the department of natural resources.

**192.200. Information to be furnished—approval of supplies—system changes to conform to rules.**—1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification and of the source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval from the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval.

2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the department of natural resources.

**192.202. Tests required—entry for inspection.**—1. The department of natural resources shall require tests for those contaminants in water which are included in the state drinking water regulations and for any other contaminants which the department of natural resources finds may be hazardous to public health.

2. The department of natural resources may authorize variances and exemptions from state primary water regulations.

3. Duly authorized representatives of the department of natural resources, with prior notice, may enter at reasonable time upon any private or public property to inspect and investigate conditions relating to the construction, maintenance

and operation of a public water supply, and take samples for analysis. If the director or his representative has probable cause to believe that a public water supply system is located on any premise, he shall be granted entry for the purpose of inspection and sample collection. Should entry be denied, a suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or magistrate having jurisdiction to any representative of the department to enable him to make such inspections.

**192.204. Test results to be reported—records to be retained—information to be provided.—1.** The supplier of water shall report to the department of natural resources, in accordance with the rules and regulations promulgated under this act, the results of all tests required by the state drinking water regulations.

**2.** Any owner or operator of a public water system subject to the provisions of this act shall retain in its premises, or at a convenient location near its premises, for a period of time specified by the department of natural resources the following records: records of operation; records of bacteriological analyses; records of chemical and physical analyses made pursuant to this act; records of action taken by the system to correct violations of state drinking water rules and regulations; copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, state or federal agency; and records concerning a variance or exemption granted to the system. If a water system fails to comply with the state drinking water rules and regulations, monitoring requirements, or has been granted a variance or exemption, or fails to comply with the schedule or conditions prescribed pursuant to a variance or exemption, the department of natural resources shall require the supplier of water to notify its users and the public of the extent and nature of the noncompliance. Notification shall be in form and manner prescribed or otherwise approved by the department of natural resources.

**3.** When an investigation of any water supply, plant or methods used is undertaken by the department of natural resources, the person in charge of the water supply shall furnish on demand to the department such information as the rules and regulations promulgated require to determine the quality of the water being dispensed.

**192.210. Emergencies—actions to be taken—penalties.—1.** Whenever the department of natural resources determines that an emergency exists which endangers or could be expected to endanger the public health and safety with regard to drinking water supplies, the department of natural resources may, without notice or hearing, issue an order reciting the existence of such a condition and requiring the person to take such action as will lessen or abate the danger. Notwithstanding any provisions of this act, such order shall be effective immediately.

**2.** At the request of the department, the attorney general may bring an injunctive action or other appropriate action in the name of the people of the state to enforce provisions of this act, the rules promulgated pursuant to this act and the orders of the department of natural resources issued under this act.

**3.** The court may impose a fine of not more than fifty dollars for the first violation of this act; one hundred dollars for the second violation and for each violation thereafter.

**4.** Any person aggrieved by an emergency order may appeal within thirty days after the issuance of the order to the circuit court of the county in which the public water supply system is located or if the public water supply system is located in more than one county, to the circuit court of any such county. The

circuit court shall within ten days after the filing of the appeal hear the cause and determine the same.

**192.212. Fluoride rules prohibited.**—The department of natural resources shall not promulgate any rule or regulation to require or prohibit the addition of fluoride to drinking water.

**192.215. Department may cooperate with others—may receive aid, conduct training and research—may financially assist in construction of water systems.**—The department of natural resources may enter into agreements, contracts, or cooperative arrangements under appropriate terms and conditions with other state agencies, federal agencies, interstate agencies, political subdivisions, educational institutions, local health departments, or other organizations or individuals for the purpose of administering the state drinking water supply program. The department of natural resources may solicit and receive grants of money or other aid from federal and other public or private agencies or individuals for the administration of this act or a portion thereof, to conduct research and training activities or cause them to be conducted, to financially assist in the construction of water works systems or portions thereof or for other program purposes.

**192.320. Violation of law or quarantine—penalty.**—1. Any person or persons violating any of the provisions of this chapter except sections 192.180, 192.185, 192.190, 192.202, 192.204, 192.210, 192.212, and 192.215 or who shall leave any pesthouse, or isolation hospital, or quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth or notice posted by the attending physician or by the health officer, or by direction of a proper health officer, shall be deemed guilty of a class A misdemeanor.

**Section A. Expiration date.**—This act shall expire on January 1, 1982. (Sections 192.180, 192.185, 192.190, 192.200, 192.202, 192.204, 192.210, 192.212 and 192.215 changed by Revisor of Statutes. Will be published in Revised Statutes of Missouri 1979 as sections 640.100, 640.015, 640.110, 640.115, 640.120, 640.125, 640.130, 640.135 and 640.140.)

Approved June 12, 1978.

[H. B. 1038]

**PUBLIC HEALTH AND WELFARE: Payment of fees for local registrars.**

**AN ACT** to repeal section 193.330, RSMo 1969, relating to payment of fees for local registrars, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

**SECTION**

1. Enacting clause.

**SECTION**

**193.330. Payment of fees.**

2. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 193.330, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 193.330, to read as follows:

**193.330. Payment of fees.**—Upon certification by the state registrar to the

commissioner of administration the fees of local registrars shall be paid by the commissioner of administration out of funds appropriated to him for that purpose.

Section 2. Effective date.—This act shall become effective January 1, 1979.

Approved June 12, 1978.

[S. B. 765]

**PUBLIC HEALTH AND WELFARE: Deaths of certain children and the performance of autopsies and research.**

AN ACT relating to the reporting of the deaths of certain children and the performance of autopsies and research in certain reported cases, with an emergency clause.

**SECTION**

1. Sudden infant death—notification—autopsy may be performed, procedure—payment for—duties of Division of Health—rules and regulations authorized.

**SECTION**

A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

1. Sudden infant death—notification—autopsy may be performed, procedure—payment for—duties of Division of Health—rules and regulations authorized.—Any person who discovers the dead body of, or acquires the first knowledge of the death of, any child under the age of one year and over the age of one week, where the child died suddenly when in apparent good health, shall immediately notify the county coroner or medical examiner of the known facts concerning the time, place, manner, and circumstances of the death. The coroner or medical examiner shall notify the parent or guardian of the child that an autopsy may be performed at the expense of the state. If the coroner or medical examiner receives the informed consent of the parent or guardian, the coroner or medical examiner shall make or cause to be made an autopsy and release the scientific information gained from the autopsies to qualified investigators within the limits of confidentiality. The division of health shall receive prompt notification of gross autopsy results. The results from the autopsy shall be reduced to writing and delivered to the state division of health. The term "sudden infant death syndrome" shall be entered on the death certificate as the principal cause of death where the term is appropriately descriptive of the circumstances surrounding the death of the child. The cost of the autopsy and transportation of the body shall be paid by the county where the autopsy is performed, and the coroner or medical examiner shall report the costs of the autopsy and transportation to the division of health, and the division shall pay, out of appropriations made for that purpose, as a reimbursement to the county such costs that are within the limitation of maximum rates established by the rules and regulations of the division. Autopsies under this section shall be performed by pathologists deemed qualified to perform autopsies by the board of registration for the healing arts and who agree to perform the autopsy according to current uniform S.I.D.S. protocol published by the Federal Department of Health, Education and Welfare. The division of health shall promptly advise the parents or guardian of the child of the results of the autopsy and it shall provide informational material on the subject of sudden infant death syndrome to the family. The director of the division of health shall prescribe reasonable rules and regulations necessary to carry out the provisions of this section, including the establishment of a cost schedule and standards for reimbursement of costs of autopsies performed pursuant to the provi-

sions of this section. The provisions of this section shall not be construed so as to limit, restrict or otherwise affect any power, authority, duty or responsibility imposed by any other provision of law upon any coroner or medical examiner. The department of health may receive grants of money or other aid from federal and other public and private agencies or individuals for the administration or funding of this act or any portion thereof or for research to determine the cause and prevention of deaths caused by "sudden infant death syndrome".

**Section A. Emergency clause.**—Because of the immediate need to receive federal funds this fiscal year, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety and is hereby declared to be an emergency act within the meaning of the constitution, and shall be in full force and effect upon its passage and approval.

Approved April 27, 1978.

[H. B. 1492]

**PUBLIC HEALTH AND WELFARE: Methods of executing anatomical gifts.**

AN ACT to repeal section 194.240, RSMo Supp. 1975, relating to the methods of executing anatomical gifts, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

194.240. Methods of executing anatomical gifts—person to carry out procedures.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 194.240, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 194.240, to read as follows:

**194.240. Methods of executing anatomical gifts—person to carry out procedures.**—1. A gift of all or part of the body under subsection 1 of section 194.220 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body under subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this sub-

section shall not participate in the procedures for removing or transplanting a part.

4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician to carry out the appropriate procedures. For the purpose of removing an eye or part thereof, any medical technician employed by a hospital, physician or eye bank and acting under supervision may perform the appropriate procedures. Any medical technician authorized to perform such procedure shall successfully complete the course prescribed in section 194.295 for embalmers.

5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

6. A gift of part of the body under subsection 1 of section 194.220 may also be made by a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle operators' and chauffeurs' licenses. The statement to be effective shall be signed by the owner of the operator's or chauffeur's license in the presence of two witnesses, who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license. Pertinent medical information which may affect the quality of the gift may be included in the statement of gift.

Approved June 7, 1978.

[H. B. 1203]

**PUBLIC HEALTH AND WELFARE: Election of directors of and dissolution of nursing home districts.**

AN ACT to repeal section 198.280, RSMo 1969, and section 198.360, RSMo Supp. 1975, relating to election of directors of and dissolution of nursing home districts, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

198.280. Election districts—election of directors — terms — qualifications — declaration of candidacy.

198.360. Dissolution of district.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. Enacting clause.—Section 198.280, RSMo 1969, and section 198.360, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 198.280 and 198.360, to read as follows:

198.280. Election districts—election of directors—terms—qualifications—declaration of candidacy.—1. After the nursing home district has been declared organized, the declaring county court shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county court shall cause an election to be held in the nursing home district within ninety days after the order establishing the nursing home



district to elect nursing home district directors. The election shall be called, held and conducted and notice shall be given as provided in sections 198.240 to 198.270, and each voter shall vote for the director from his district. The director elected from district number one shall serve a term of one year, the director elected from district two shall serve a term of two years, the director elected from district number three shall serve a term of three years, the director elected from the district number four shall serve a term of four years, the director elected from district number five shall serve a term of five years, and the director elected from district number six shall serve a term of six years; thereafter, the terms of all directors shall be six years. All directors shall serve until their successors are elected and qualified.

2. Candidates for director of the nursing home district shall be citizens of the United States, resident taxpayers of the nursing home district who have resided within the state for one year next preceding the election and who are at least thirty years of age. All candidates shall file their declarations of candidacy with the county court calling the election at least twenty days prior to the special election.

**198.360. Dissolution of district.**—In any nursing home district created under the provisions of section 198.200 to 198.350 which is not operating a nursing home, and in which the voters of the district have on three separate occasions refused to approve a bond issue for the construction of a nursing home, or in which the voters of the district have not approved a bond issue for the construction of a nursing home within three years after the establishment of the district, the board of that district shall submit to the voters the proposition of the dissolution of the district. If a majority of the voters approve the dissolution, the district shall be dissolved and any tax money in the treasury shall be paid into the general revenue fund of the county or counties in which the district is located, in the same proportion as the proportion of the valuation of the district in each county is to the total valuation of the district.

Approved June 15, 1978.

[H. B. 1769]

**PUBLIC HEALTH AND WELFARE: Convalescent and nursing homes.**

AN ACT to amend chapter 198, RSMo, relating to convalescent and nursing homes, by adding thereto four new sections, and to amend chapter 205, RSMo, relating to county health and welfare programs, by adding thereto three new sections for the purpose of allowing nursing home districts and counties to issue revenue bonds for nursing homes.

**SECTION**

1. Amending clause.
- 198.312. Revenue bonds authorized, when.
- 198.314. Revenue bonds not an indebtedness of the issuing authority.
- 198.316. Revenue bonds, form of, interest rate—to be negotiable instruments.
- 198.318. Board of directors to prescribe form, make necessary covenants, restrictions—bondholders, remedies of—revenue bonds not to be exclusive method of financing.

**SECTION**

- 205.990. Revenue bonds authorized, when—not an indebtedness of the issuing authority.
- 205.991. Revenue bonds, form of, interest rate, maximum maturity date—to be negotiable instruments.
- 205.992. County court or board to prescribe form, make necessary covenants, restrictions—bondholders, remedies of—revenue bonds not to be exclusive method of financing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Amending clause.**—Chapter 198, RSMo, is amended by adding thereto four new sections, to be known as sections 198.312, 198.314, 198.316 and

198.318, and chapter 205, RSMo, is amended by adding thereto three new sections, to be known as sections 205.990, 205.991 and 205.992, to read as follows:

**198.312. Revenue bonds authorized, when.**—As an alternative to the authorization for an indebtedness provided by section 198.310, for the purpose of providing funds for the acquisition, construction, erection, equipment and furnishing of nursing homes and related facilities, and for providing a site therefor, including off-street parking space, and making from time to time enlargements or extensions thereof, the board of directors may issue and sell revenue bonds. The revenue bonds are payable, both as to principal and interest, solely and only out of the net income and revenues arising from the operation of the facility, after providing for the costs of operation and maintenance thereof, or from other funds made available to the facility from sources other than from proceeds of taxation.

**198.314. Revenue bonds not an indebtedness of the issuing authority.**—Any bonds issued under and pursuant to sections 198.312 to 198.318 shall not be deemed to be an indebtedness of the state of Missouri, or of any city or of the board of directors, or of the individual members of the board of directors and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

**198.316. Revenue bonds, form of, interest rate—to be negotiable instruments.**—1. Revenue bonds issued pursuant to the provisions of section 198.312 shall be of such denomination, shall bear such rate of interest not to exceed the highest rate permitted by law, and shall mature at such times as determined by the board of directors. The bonds may be either serial bonds or term bonds and may be issued with or without reservation of the right to call them for payment or redemption in advance of their maturity, upon the giving of notice and with or without the covenant requiring the payment of a premium in the event of the call and redemption prior to maturity as the board determines.

2. The bonds when issued and sold shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law and the interest thereon is exempt from income taxes under the laws of the state of Missouri.

**198.318. Board of directors to prescribe form, make necessary covenants, restrictions—bondholders, remedies of—revenue bonds not to be exclusive method of financing.**—1. The board of directors, issuing bonds under the provisions of section 198.312, shall prescribe the form, details and incidents of the bonds and the board of directors shall make such covenants as in their judgment are advisable or necessary properly to secure the payment thereof; but the form, details, incidents and covenants shall not be inconsistent with any of the provisions of sections 198.312 to 198.318.

2. The holder of any bonds issued hereunder or of any coupons representing interest accrued thereon may, by civil action either at law or in equity, compel the board of directors issuing such bonds to perform all duties imposed upon them by the provisions of sections 198.312 to 198.318, and also to enforce the performance of any and all other covenants made by such board of directors in the issuance of the bonds.

3. The provisions of sections 198.312 to 198.318 shall not be exclusive of other legal methods of financing the facilities therein described, but shall furnish an alternative method of finance.

**205.990. Revenue bonds authorized, when—not an indebtedness of the issuing**

**authority.**—1. In addition to the bonds authorized by section 205.375, the county court in any county, or the township board of any township, exercising the rights conferred by sections 205.375 may issue and sell revenue bonds for the purpose of providing funds for the acquisition, construction, equipment, improvement, extension and repair, and furnishing of nursing homes and related facilities, and of providing a site therefor, including offstreet parking space for motor vehicles. Such revenue bonds shall be payable, both as to principal and interest, solely from the net income and revenues arising from the operation of the nursing home or the related facility or facilities, or of the nursing home and the related facility or facilities, after providing for the costs of operation and maintenance thereof, or from other funds made available from sources other than from proceeds of taxation.

2. Any bonds issued under the provisions of section 205.990 to 205.992 shall not be deemed to be an indebtedness of the state of Missouri or of any county or township, or of the board of trustees of any such nursing home or of the individual members of any such board of trustees, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

**205.991. Revenue bonds, form of, interest rate, maximum maturity date—to be negotiable instruments.**—1. Revenue bonds issued pursuant to the provisions of sections 205.990 to 205.992 shall be of such denomination, shall bear such rate or rates of interest not to exceed the highest rate permitted by law, and shall mature at such time or times, not exceeding thirty-five years from their date of issue, as determined by the county court or township board in its order or resolution directing the issuance of such bonds. Such bonds may be either serial bonds or term bonds and may be issued with or without reservation of the right to call them for payment or redemption in advance of their maturity, upon the giving of notice, and with or without a covenant requiring the payment of a premium in the event of a call for redemption prior to maturity.

2. The bonds when issued and sold shall be negotiable instruments within the meaning of chapter 400, RSMo, and the interest thereon shall be exempt from any state or local income taxes under the laws of the state of Missouri.

**205.992. County court or board to prescribe form, make necessary covenants, restrictions—bondholders, remedies of—revenue bonds not to be exclusive method of financing.**—1. The county court or township board issuing bonds under the provisions of sections 205.990 to 205.992 shall prescribe the form, details and incidents of the bonds, and the county court or township board shall make such covenants as in its judgment are advisable or necessary properly to secure the payment thereof; but the form, details, incidents, and covenants shall not be inconsistent with any of the provisions of sections 205.990 to 205.992.

2. The holder of any bonds issued hereunder or of any coupons representing interest accrued thereon may, by civil action, compel the county court or township board issuing such bonds to perform all duties imposed upon it by the provisions of sections 205.990 to 205.992 and to enforce the performance of any and all of the covenants made by the county court or township board in the issuance of the bonds.

3. The provisions of sections 205.990 to 205.992 shall not be exclusive of other legal methods of financing nursing homes and related facilities, but shall furnish an alternative method of finance.

Approved June 13, 1978.

[H. C. S. S. B. 651]

**PUBLIC HEALTH AND WELFARE: Care, custody and treatment of mentally ill, mentally disordered, developmentally disabled and mentally retarded persons.**

AN ACT to repeal sections 202.010, 202.070, 202.595, 202.601, 202.651, 202.783, 202.787, 202.793, 202.797, 202.800, 202.803, 202.805, 202.810, 202.817, 202.820, 202.823, 202.827, 202.830, 202.833, 202.837, 202.840, and 202.847, RSMo 1969 and sections 202.790, 202.807, 202.813, 202.831, 202.850, 202.857 and 202.870, RSMo Supp. 1975, relating to the care, custody and treatment of mentally ill, mentally disordered, developmentally disabled, and mentally retarded persons and providing for a new procedure for the involuntary civil commitment of mentally disordered and mentally ill persons, and to enact in lieu thereof forty-seven new sections relating to the same subject, with an emergency clause and an effective date for specified provisions.

**SECTION**

1. Enacting clause.
- 202.010. Definitions.
- 202.110. Director to appoint and supervise mental health coordinators and other personnel.
2. Enacting clause.
- 202.115. Admission and release of patients, when.
- 202.120. Duties of head of mental health facility.
- 202.121. Duties of mental health coordinator upon information of mental disorder.
- 202.123. Application for evaluation and detention, how executed—hearing before taking into custody—involuntary custody, procedure—rights of respondent.
- 202.125. Mental health facility to notify court of involuntary detention, when—proof of notice required.
- 202.127. Acceptance of respondent on provisional basis, when—hearing after acceptance.
- 202.130. Notice to confined person and others, when given—contents.
- 202.133. Petition for further detention at expiration of temporary period, when required — contents — who served.
- 202.135. Petition for further detention, where filed—hearing on petition—rights of respondent—evidence admissible—court orders after hearing.
- 202.137. Additional ninety-day detention, when—how achieved.
- 202.140. Petition for additional ninety-day detention, where filed—hearing on—rights of respondent.
- 202.143. Conduct of hearing—evidence admissible—court orders at conclusion.
- 202.145. Additional periods of involuntary detention and treatment, when permitted—determination of length—conduct of hearing—court orders after hearing.
- 202.147. Discharge of respondent at end of commitment period, exceptions—successive commitments permissible.
- 202.149. Commitment order not to exceed one year.
- 202.150. Orders of commitment directed to director—determination of place of detention and treatment.

**SECTION**

- 202.153. Periodic evaluation of involuntarily committed person—discharge from custody, when—notice of discharge, who receives—hearing may be ordered.
- 202.157. Prosecuting attorney to file and prosecute petitions for detention—evaluation and treatment.
- 202.160. Venue for proceedings for involuntary commitments.
- 202.163. Register of attorneys for appointment to represent respondent, how maintained—selection of attorney—allowance of fee—county and state to pay costs, when.
- 202.165. Appointment of physician for independent evaluation, how made—fee.
- 202.167. Physician-patient privilege waived, when—extent of waiver.
- 202.170. Appeals from court orders, procedure governing.
- 202.173. Detained person entitled to habeas corpus.
- 202.175. Person subject to commitment or receiving evaluation or treatment not to be presumed incompetent or lose legal or civil rights.
- 202.177. Certain persons not to be judicially committed—exceptions.
- 202.180. Release of patient to less restrictive environment, when—conditions.
- 202.183. Release or discharge of involuntarily detained person, when.
- 202.185. Placement of patient in nursing, boarding, or family home, when—conditions—inspections.
- 202.187. Admission to mental retardation facility, who eligible—conditions for release.
- 202.190. Duties of head of mental retardation facility.
- 202.193. Placement of mental retardation facility patient in nursing, boarding, or family home, when—conditions—review of placement—appeal.
- 202.195. Records to be confidential—procedure for conditional release of records.
- 202.197. Additional conditions for release of information.
- 202.199. Disclosure of absence of patient, when—how made.
- 202.200. No liability for persons responsible for commitment or detention—exceptions.

## SECTION

- 202.203. No liability for making or filing application for detention or commitment.
- 202.205. Patients entitled to standard of care and treatment.
- 202.207. Medical treatment not mandatory if patient relies on religious practice.
- 202.213. Right to refuse electroshock treatment — involuntary electroshock treatment on court order, when—hearing — emergency electroshock treatment, when.
- 202.215. Rights of patients—limitations.

## SECTION

- 202.220. Provisions of section 202.010 and sections 202.110 to 202.225 not to apply retroactively.
- 202.223. Involuntarily committed person to be transferred to federal facility, when—procedure for transfer.
- 202.225. Transfer of involuntary patient from one public facility to another, when—procedure.
- A. Emergency clause.
- B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. Enacting clause.—Section 202.010, RSMo 1969 is repealed and two new sections enacted in lieu thereof, to be known as sections 202.010 and 202.110, to read as follows:

**202.010. Definitions.**—As used in this chapter, unless the context clearly requires otherwise, the following terms mean:

(1) "County court", the administrative body for the county as defined by law, or any administrative body exercising similar functions or the designee of either;

(2) "County of residence", the county where the patient has last generally lodged prior to admission for a period of twelve months or in case of a minor where his family has so lodged except that such patient shall be deemed to have lost county residence if he has been absent from the county for a period in excess of twelve consecutive months, and except that confinement in any facility of the division shall not be deemed an absence from the county, and shall not constitute a change in residence. Every patient in a state facility shall be deemed to retain his county of residence until one year after his final discharge from the facility. The city of St. Louis is considered a "county" for the purposes of these laws in accordance with section 1.030, RSMo;

(3) "Mental disorder", any organic, mental or emotional impairment, including those induced by alcoholism or drug abuse, which has substantial adverse effects on a person's cognitive, volitional or emotional function;

(4) "Mental illness", a state of impaired mental processes, which impairment results in a distortion of a person's capacity to recognize reality due to hallucinations or delusions or faulty perceptions or alterations of mood and interferes with an individual's ability to reason, understand or exercise conscious control over his actions, and may be manifested by instances of grossly impaired behavior; mental illness does not include:

(a) Mental retardation, developmental disability or narcolepsy;

(b) Simple intoxication caused by substances such as alcohol or drugs;

(c) Dependence upon or addiction to any substances such as alcohol or drugs; or

(d) Any other disorders not of an actively psychotic nature, such as senility, unless such conditions are accompanied by a mental illness as otherwise defined in this subdivision;

(5) "Likelihood of serious physical harm" means either:

(a) A substantial risk that physical harm will be inflicted by a person upon his own person, as evidenced by recent threats or attempts to commit suicide or inflict physical harm on himself, or by failure or inability to provide for his essential human needs; or

(b) A substantial risk that physical harm will be inflicted by a person upon

another, as evidence by recent overt acts or behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm;

(6) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(7) "Judicial commitment", a commitment by a court pursuant to the provisions of this chapter;

(8) "Department" or "division", the department of mental health of the state of Missouri;

(9) "Director", the director of the department of mental health, or his designee;

(10) "Mental health professional" a psychiatrist, psychologist, psychiatric nurse, or psychiatric social worker;

(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is appointed by the director of the department or his designee to serve a designated geographic area and who has the powers, duties, and responsibilities provided in this chapter;

(12) "Licensed physician", a physician licensed pursuant to the provisions of Chapter 334 RSMo, or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150 RSMo;

(13) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association;

(14) "Psychologist", a licensed psychologist or, in the case of employees in facilities who are not required to be licensed, who meet the qualifications for licensure as a psychologist;

(15) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work with a minimum of 1 year training or experience in providing care, treatment, or services to individuals suffering from a mental disorder, mental illness, mental retardation or developmental disability; or a degree from a graduate school deemed equivalent under rules and regulations adopted by the Director;

(16) "Mental health facility", any facility, public or private, which can provide evaluation and treatment, outpatient care, and inpatient care to persons suffering from a mental disorder or mental illness and which is recognized by the department of mental health; provided, that a mental health facility which is part of, or operated by the department of mental health or any federal agency will not require such recognition; and provided further, that no correctional institution or facility, or jail, shall be a mental health facility within the meaning of this chapter;

(17) The term "ninety-six hours", shall be construed and computed to exclude Saturdays, Sundays and legal holidays;

(18) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but shall exclude Saturdays, Sundays or legal holidays;

(19) "Developmental disability", a disability which is attributable to: mental retardation, cerebral palsy, epilepsy, autism, or other neurological conditions found by clinical authorities to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, and which originated before the individual attained age eighteen and has continued or can be expected to continue indefinitely;

(20) "Mental retardation" refers to significantly sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior, is manifested prior to age eighteen, and is diagnosed by clinical authorities as such;

(21) "Mental retardation facility", any facility, public or private, which provides residential care or treatment to persons suffering from mental retardation or developmental disabilities and which is licensed by or certified by the department of mental health pursuant to section 202.900, provided that a mental retardation facility which is part of or operated by the department of mental health or any federal agency will not require such licensure and provided further that no correctional facility or jail shall be a licensed mental retardation facility within the meaning of this chapter;

(22) "Minor", any person under the age of eighteen years;

(23) "Pay or private patients" are those supported in the facility by their family or friends, or from the proceeds of their own property as determined by the means test pursuant to the provisions of section 202.330;

(24) "Patient" is an individual under observation, care or treatment by any hospital or other facility pursuant to the provisions of this chapter;

(25) "Respondent", an individual against whom involuntary civil commitment proceedings are instituted pursuant to sections 202.121 through 202.147;

(26) "Least restrictive environment", a physical setting where care, treatment, appropriate supervision of the patient, and accommodation is provided in a manner no more restrictive of an individual's personal liberty and is no more intrusive than necessary to achieve acceptable care and treatment objectives with due consideration to any potential harmful effect on the patient and on the level and quality of services required for the patient;

(27) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient;

(28) "Criminal sexual psychopath" is a person suffering from a mental disorder and not insane or mentally retarded, which mental disorder has existed for a period of not less than one year immediately prior to the filing of the petition provided for in section 202.710 coupled with criminal propensities to the commission of sex offenses, and who may be considered dangerous to others.

**202.110. Director to appoint and supervise mental health coordinators and other personnel.**—The director of the department of mental health may appoint such personnel including mental health coordinators as are necessary to carry out the provisions of this act. The mental health coordinators shall be subject to the exclusive direction and supervision of the director of the department or his designee who shall not be the head of any mental health facility.

**Section 2. Enacting clause.**—Sections 202.070, 202.595, 202.601, 202.651, 202.783, 202.787, 202.793, 202.797, 202.800, 202.803, 202.805, 202.810, 202.817, 202.820, 202.823, 202.827, 202.830, 202.833, 202.837, 202.840 and 202.847, RSMo 1969, and sections 202.790, 202.807, 202.813, 202.831, 202.850, 202.857 and 202.870, RSMo Supp. 1975 are repealed and forty-five new sections enacted in lieu thereof, to be known as sections 202.115, 202.120, 202.121, 202.123, 202.125, 202.127, 202.130, 202.133, 202.135, 202.137, 202.140, 202.143, 202.145, 202.147, 202.149, 202.150, 202.153, 202.157, 202.160, 202.163, 202.165, 202.167, 202.170, 202.173, 202.175, 202.177, 202.180, 202.183, 202.185, 202.187, 202.190, 202.193, 202.195, 202.197, 202.199, 202.200, 202.203, 202.205, 202.207, 202.210, 202.213, 202.215, 202.220, 202.223, 202.225, to read as follows:

**202.115. Admission and release of patients, when.**—1. The head of a private mental health facility, or his designee, may and the head of a public mental health

facility, or his designee, shall, except in the case of a medical emergency and subject to the availability of suitable accommodations, admit the following persons for observation, diagnosis, care, and treatment:

(1) Any person sixteen years of age or over who applies for admission; who has symptoms of mental disorder, mental illness, alcoholism, or drug abuse; and for whom, in the opinion of the head of the facility or his designee, admission is appropriate. Such persons are voluntary patients and shall have the right to consent to evaluation or evaluation and treatment on an inpatient or an outpatient basis;

(2) Any minor for whom an application for voluntary admission is made by his parent or other person legally entitled to his custody and for whom, in the opinion of the head of the facility or his designee, admission is appropriate. Such minor persons shall be considered voluntary patients, the parent or other person legally entitled to his custody in making such application for admission being deemed to be acting for such minor person and to have the right to authorize the examination, observation, diagnosis, evaluation, care and treatment of such minor;

(3) Any person who is under the jurisdiction of a juvenile court and who is committed to a facility not operated by the state of Missouri or to the custody of the director of the department of mental health pursuant to Section 211.201, RSMo, for assignment by the director to the appropriate facility; and

(4) Any person who has been declared incompetent by a court of competent jurisdiction who has symptoms of mental disorder, mental illness, alcoholism, or drug abuse; and for whom, in the opinion of the head of the facility or his designee, admission is appropriate; provided however that the guardian of such person must first obtain an order authorizing such admission from the court which currently has jurisdiction over the guardian and his ward.

2. A voluntary patient who is a minor who requests his release either orally or in writing or whose release is requested, in writing, to the head of the facility or his designee, by his parent, spouse, adult next of kin, or person entitled to his custody, shall be released forthwith except that:

(1) If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto; and

(2) If the patient was admitted on the application of another person, his release shall be conditioned upon the consent of his parent or other person entitled to his custody; and provided that

(3) If the head of the mental health facility or his designee does not concur in the patient's release, the mental health coordinator shall be informed forthwith and the patient may be held for a reasonable length of time not to exceed ninety-six hours to permit the mental health coordinator or the head of the facility or his designee to initiate involuntary commitment proceedings pursuant to the provisions of sections 202.121 to 202.147 or to enable the juvenile officer to initiate appropriate proceedings in the juvenile court.

3. A voluntary patient who is not a minor and who requests his release either orally or in writing to the head of the facility or his designee, shall be released forthwith except that if the head of the mental health facility or his designee regards him as presenting a likelihood of serious physical harm to himself or others, the mental health coordinator shall be informed forthwith and the patient may be held for a reasonable length of time not to exceed ninety-six hours to permit the mental health coordinator or the head of the facility or his designee to initiate involuntary commitment proceedings pursuant to the provisions of sections 202.121 to 202.147.



**202.120. Duties of head of mental health facility.**—The head of each mental health facility or his designee shall:

(1) Cause the condition and status of each patient, whether voluntary or involuntary, to be reviewed at least once every one hundred eighty days for the purpose of determining the need for further hospitalization or release. The head of each mental health facility shall also satisfy himself that each patient is receiving care and treatment in the least restrictive environment reasonably available which is appropriate and consistent to the patient's needs;

(2) Discharge or initiate proceedings to discharge any patient whose continued care or treatment is no longer appropriate.

**202.121. Duties of mental health coordinator upon information of mental disorder.**—1. When a mental health coordinator receives information alleging that a person, as the result of a mental disorder, presents a likelihood of serious physical harm to himself or others, he shall:

(1) Conduct an investigation;

(2) Evaluate the allegations and the data developed by investigation;

(3) Evaluate the reliability and credibility of all sources of information.

2. If, as the result of personal observation or investigation, the mental health coordinator has reasonable cause to believe that such person has a mental disorder, and, as a result, presents a likelihood of serious physical harm to himself or others, the mental health coordinator shall file an application with the court having probate jurisdiction pursuant to the provisions of section 202.123;

3. However, should the mental health coordinator have reasonable cause to believe, as the result of personal observation or investigation, that the likelihood of serious physical harm by such person to himself or others, as a result of a mental disorder is imminent unless the person is immediately taken into custody, the mental health coordinator shall request a peace officer to take or cause such person to be taken into custody and transported to a mental health facility in accordance with the provisions of subsection 3 of section 202.123. Whenever a mental health coordinator requests a peace officer to take or cause a person to be taken into custody and transported to a mental health facility, the mental health coordinator shall complete an application for initial detention which complies with the provisions of subsection 3 of section 202.123, and which also states the facts and circumstances upon which the mental health coordinator bases his belief that the likelihood of serious physical harm is imminent.

4. If the mental health coordinator determines that involuntary commitment is not appropriate, he should inform either the person, his family, or friends of those public and private agencies and courts which might be of assistance.

**202.123. Application for evaluation and detention, how executed—hearing before taking into custody—involuntary custody, procedure—rights of respondent.**—

1. An application for evaluation and detention may be executed by any adult person, including the mental health coordinator, and must allege under oath that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious physical harm to himself or to others. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of said facts through personal observation.

2. The filing of a written application in any form, in court by any adult person, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health

facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious physical harm to himself or others, it shall direct a peace officer to take the respondent into custody and transport him to a mental health facility for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and presents a likelihood of serious physical harm to himself or others which is imminent unless immediately taken into custody. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him to be conveyed shall either present the application for evaluation and detention upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention and evaluation for a period not to exceed ninety-six hours which shall be based upon his own personal observations or investigations and shall contain the information as required in subsection 1 of this section.

4. Within three hours of the time at which the respondent arrives at a mental health facility, he shall:

- (1) Be seen by a mental health professional; and
- (2) Be given a copy of the application for initial detention and evaluation, and a notice of rights pursuant to section 202.130 and a notice giving the name, business address and telephone number of the attorney appointed to represent the respondent; and
- (3) Be provided assistance in contacting the appointed attorney or an attorney of his own choosing, if so requested.

5. Within a reasonable period of time after the respondent arrives at the mental health facility, normally not to exceed twenty-four hours, he shall be examined by a licensed physician.

**202.125. Mental health facility to notify court of involuntary detention, when—proof of notice required.—**1. Any mental health facility accepting a respondent pursuant to section 202.123 shall be furnished a copy of the application for initial detention and evaluation. If a person is involuntarily detained in a mental health facility pursuant to section 202.123, no later than twenty-four hours after his arrival, excluding Saturdays, Sundays, and legal holidays, the head of the mental health facility, his designee or the mental health coordinator shall file with the court the application, a copy of the notice required by section 202.130 and proof that the notice was given. The person's designated attorney shall receive a copy of all documents.

**202.127. Acceptance of respondent on provisional basis, when—hearing after acceptance.—**1. Whenever a court has authorized the initial detention and evaluation of a respondent pursuant to section 202.123, or whenever a mental health coordinator submits an application for initial detention and evaluation pursuant to subsection 3 of section 202.123, a public mental health facility shall and a private mental health facility may immediately accept such application and the respondent

on a provisional basis and the facility shall then evaluate the respondent's condition and admit or release him in accordance with the provisions of this act.

2. Whenever a peace officer applies for initial detention and evaluation pursuant to subsection 3 of section 202.123, the mental health facility, may, but is not required to, accept the application and the respondent. Should the facility accept the application and the respondent, the facility shall evaluate respondent's condition and admit or release him in accordance with the provisions of this act.

3. The mental health facility shall promptly notify the court of the date and time of the initial acceptance of each respondent involuntarily detained in order that, if needed, a hearing shall be held no later than ninety-six hours after acceptance.

4. If the respondent is not accepted for admission by a facility providing ninety-six hour evaluation and treatment, the facility shall immediately furnish transportation, if not otherwise available to return the respondent to his place of residence or other appropriate place, provided that in the case of a person transported to the facility by a peace officer or other governmental agency, such peace officer or agency shall furnish or arrange for such transportation.

**202.130. Notice to confined person and others, when given—contents.**—Whenever the respondent is accepted for evaluation or for evaluation and treatment pursuant to this chapter both he, his guardian, if any, and if reasonably possible and if the respondent consents, a responsible member of his immediate family shall be advised as soon as possible either in writing or orally, in language easily understood by laymen, by the personnel of the mental health facility to which he is taken or by the mental health coordinator that unless he is released or voluntarily admits himself within ninety-six hours of the initial detention:

(1) He will be given a judicial hearing by a court within ninety-six hours of his initial detention to determine whether there is probable cause to detain him after the ninety-six hours have expired for an additional period not to exceed fourteen days;

(2) An attorney has been appointed who will represent him before and after the hearing and who will be notified as soon as possible; however he also has the right to private counsel of his own choosing and at his own expense;

(3) He has the right to communicate with counsel at all reasonable times and to have assistance in contacting such counsel;

(4) The purpose of the evaluation is to determine whether he meets the criteria for commitment under this act and that anything he says to personnel at the mental health facility may be used in making that determination and may result in involuntary commitment proceedings being filed against him and may be used at the court hearing;

(5) He has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing;

(6) He has the right to refuse medication except for life-saving treatment beginning twenty-four hours prior to the probable cause hearing.

**202.133. Petition for further detention at expiration of temporary period, when required—contents—who served.**—1. At the expiration of the ninety-six hour period, the respondent may be detained and treated involuntarily for an additional fourteen days provided that the court has held a hearing in accordance with section 202.135, and has ordered further detention for the additional fourteen-day period.

2. Within ninety-six hours following initial detention, the head of the facility, his designee, or the mental health coordinator may file or cause to be filed a

petition for fourteen-day involuntary detention and treatment, provided he has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious physical harm to himself or others. The petition shall be served on the respondent and his attorney prior to the probable cause hearing and the attorney shall be provided a list of the names and addresses of the prospective witnesses for the petitioner. The head of the facility or his designee shall also notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall:

- (1) Allege that the respondent, by reason of mental illness, presents a likelihood of serious physical harm to himself or to others;
- (2) Allege that the respondent is in need of continued detention and treatment;
- (3) Allege the specific behavior of the respondent or the facts which support such conclusion;
- (4) Allege that a mental health facility that is appropriate to respondent's condition has agreed to accept the respondent; and
- (5) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

**202.135. Petition for further detention, where filed—hearing on petition—rights of respondent—evidence admissible—court orders after hearing.—1.** The petition for fourteen-day involuntary detention and treatment shall be filed with the court having probate jurisdiction and the court shall hold a hearing on the petition within ninety-six hours of the initial detention unless a continuance is granted. The court shall not grant continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court in its discretion may order the person released upon conditions prescribed by the court pending the hearing.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those elsewhere specified:

- (1) To be represented by an attorney;
- (2) To present evidence on his own behalf;
- (3) To cross-examine witnesses who testify against him;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file of his case;
- (6) To have the hearing open or closed to the public as he elects;
- (7) To be present unless the court determines that his conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue with him present; and
- (8) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings, except as modified in subsections 3 and 4 of this section;
- (9) The respondent's right to be present may be waived upon the court's acceptance of representation of counsel for respondent that, after full explanation of the nature, purpose and import of the proceedings, respondent wishes to waive his right to be present;
- (10) The hearing may proceed in the absence of the respondent if the court finds, on the basis of medical reports or testimony and after affording counsel the opportunity to argue the matter, that the respondent's physical condition is such that his presence would entail too great a risk of serious physical harm.

3. Affidavits concerning reports by mental health professionals may be received in evidence unless either party objects to the introduction of such affidavit; and provided further that material portions of any such affidavit which would not be admissible if the witness were present may be stricken upon the motion of either party or by the court upon its own motion.

4. The affidavits of other witnesses may be admitted into evidence unless either party objects to the introduction of such affidavit; and provided further, that material portions of any such affidavit which would not be admissible if the witness were present may be stricken upon the motion of either party or by the court upon its own motion.

5. At the conclusion of the hearing, if the court finds based upon clear, cogent and convincing evidence, that respondent, as the result of mental illness, presents a likelihood of serious physical harm to himself or to others, the court shall order that the respondent be detained for involuntary treatment for a period not to exceed 14 days. If the court finds that involuntary detention and treatment may be provided in a less restrictive environment which is reasonably available and which would be in the best interest of the respondent, the court may order an appropriate less restrictive course of detention and involuntary treatment for a period not to exceed 14 days.

**202.137. Additional ninety-day detention, when—how achieved.—1.** At the expiration of the fourteen-day detention and treatment period ordered pursuant to section 202.135, the respondent may be detained and treated involuntarily for an additional period not to exceed ninety days, provided:

(1) The respondent is mentally ill and continues to present a likelihood of serious physical harm to himself or others; and

(2) The court, after a hearing, before a jury if requested, orders the respondent detained and treated for the additional period.

2. If within the fourteen-day period the head of the mental health facility, his designee, or the mental health coordinator has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious physical harm to himself or others and believes that further detention and treatment is necessary, he shall file or cause to be filed a petition for ninety-day detention and treatment. The petition shall be delivered to the respondent and his attorney prior to the expiration of the fourteen-day detention period. The head of the mental health facility or his designee shall notify the mental health coordinator if the petition is not filed by the mental health coordinator. The petition shall comply with the requirements of section 202.133.

**202.140. Petition for additional ninety-day detention, where filed—hearing on—rights of respondent.—1.** The petition for ninety-day detention and treatment shall be filed with the court having probate jurisdiction. At the time of filing such petition the clerk shall set a date and time for the hearing which shall take place within seven judicial days of the filing of the petition. The respondent and his attorney shall promptly be notified by the clerk of the date and time for the hearing.

2. If requested by the respondent, the court shall appoint a reasonably available licensed physician to examine him and testify in his behalf. If the respondent or his counsel so request, the court shall not appoint a physician who is on the staff of the facility wherein the person is detained, and if the respondent is detained in a facility operated by the department of mental health and respondent or his counsel so request, the court shall not appoint a physician who is an employee of the department.

3. The court may grant continuances but shall do so only upon a showing of good and sufficient cause.

4. The respondent shall continue to be detained and treated pending a hearing unless released by order of the court. If a continuance is granted, the court, in its discretion, may order respondent released upon conditions described by the court pending the hearing. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the respondent and granted, the respondent shall be released.

**202.143. Conduct of hearing—evidence admissible—court orders at conclusion.**—1. The hearing for ninety-day detention and treatment shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial is not requested, due consideration shall be given by the court to holding a hearing at the mental health facility. The hearing shall be held in accordance with the provisions set forth in section 202.135.

2. The burden of proof at the hearing shall be by clear, cogent, and convincing evidence and shall be upon the petitioner.

3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious physical harm to himself or to others, the court shall order the respondent to be detained for involuntary treatment for a period not to exceed 90 days. If the court finds that involuntary treatment may be provided in a less restrictive environment which is reasonably available and such treatment would be in the best interest of the respondent, the court may order an appropriate less restrictive course of detention and involuntary treatment for a period not to exceed 90 days.

**202.145. Additional periods of involuntary detention and treatment, when permitted—determination of length—conduct of hearing—court orders after hearing.**—1. At the expiration of the ninety-day commitment period ordered by the court pursuant to section 202.143, the respondent may be detained and treated involuntary for an additional period of time not to exceed one year or such lesser period of time as determined by the court provided:

(1) The respondent is mentally ill and continues to present a likelihood of serious physical harm to himself or to others; and

(2) The court after a hearing, before a jury if requested, orders the person detained and treated for the additional period.

2. Within the ninety-day commitment period, the head of the mental health facility, his designee, or the mental health coordinator may file or cause to be filed a petition for one year detention and treatment provided that he has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious physical harm to himself or others and that further detention and treatment is necessary. Procedures as specified in section 202.137, 202.140 and 202.143 shall be followed.

3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious physical harm to himself or others, the court shall order that the respondent be detained for involuntary treatment for a period not to exceed one year. If the court finds that involuntary treatment may be provided in a less restrictive environment which is reasonably available and that such treatment would be in the best interest of the respondent, the court may order an appropriate less restrictive course of detention and involuntary treatment for a period not to exceed one year.

**202.147. Discharge of respondent at end of commitment period, exceptions—successive commitments permissible.**—At the end of any commitment period ordered by the court pursuant to sections 202.121 to 202.147, the respondent shall be discharged unless a petition for further commitment is filed and heard in the same manner as provided herein. Successive one-year commitments are permissible on the same grounds and pursuant to the same procedures as the initial one-year commitment.

**202.149. Commitment order not to exceed one year.**—No order of commitment under sections 202.121 to 202.147 may exceed one year.

**202.150. Orders of commitment directed to director—determination of place of detention and treatment.**—Notwithstanding any other provision of the law to the contrary, whenever a court commits a person to a mental health facility under the jurisdiction of the department of mental health, the order of commitment shall be to the custody of the director of the department of mental health who shall determine where detention and involuntary treatment shall take place.

**202.153. Periodic evaluation of involuntarily committed person—discharge from custody, when—notice of discharge, who receives—hearing may be ordered.**—

1. At least once every one hundred eighty days the head of each mental health facility or his designee shall examine and evaluate each person who is committed to the facility for a one-year period pursuant to section 202.145 or 202.147. The head of the mental health facility or his designee shall discharge any person when in his opinion the person is no longer mentally ill, or although mentally ill does not present a likelihood of serious physical harm to himself or others, even though the court commitment has not expired. The committing court and the mental health coordinator for the region shall be provided a copy of the examination and evaluation report described by this section.

2. Upon receipt of the report, the committing court may, upon its own motion or shall upon the motion of the respondent, order a hearing to be held as to the need for continued detention and involuntary treatment. At the conclusion of the hearing, the court may order:

(1) The discharge of the respondent; or  
(2) An appropriate less restrictive course of detention and involuntary treatment; or

(3) Remand the respondent to the mental health facility for the unexpired portion of the original commitment order.

**202.157. Prosecuting attorney to file and prosecute petitions for detention—evaluation and treatment.**—It shall be the duty of the prosecuting attorney of the county wherein a hearing described in sections 202.121 to 202.147 takes place to represent the petitioner if the petitioner is the mental health coordinator or the head of a public mental health facility or his designee and to file and prosecute in court all petitions for detention, evaluation and treatment pursuant to sections 202.121 to 202.147. Such duty shall be fulfilled by the county counselor in counties having a county counselor and by the city counselor in any city not within a county.

**202.160. Venue for proceedings for involuntary commitments.**—Venue for proceedings for involuntary commitments pursuant to the provisions of this chapter shall be in the court having probate jurisdiction in the county in which the mental health facility is located wherein the respondent is detained; provided

however, if the respondent makes application that the hearing be held in his county of residence, the court shall order the proceedings with all papers, files and transcripts of the proceedings to be transferred to the court having probate jurisdiction in the respondent's county of residence. Once a court has assumed jurisdiction with respect to involuntary commitment proceedings, no other court shall assume jurisdiction until the court having prior jurisdiction has transferred jurisdiction and all papers, files, and transcripts. Whenever a respondent committed pursuant to a still valid court order or against whom proceedings are pending is moved or transferred to another county, the court having prior jurisdiction will retain all papers, files, and transcripts until they are requested by the court to which jurisdiction is to be transferred.

**202.163. Register of attorneys for appointment to represent respondent, how maintained—selection of attorney—allowance of fee—county and state to pay costs, when.—**1. The judge having probate jurisdiction in each county shall prepare and maintain a current register of attorneys in the county who have agreed to appointment to represent respondents against whom involuntary civil commitment proceedings have instituted in said county. The judge may choose lawyers who are paid by any public or private agency or other lawyers who are appointed to the register. The register shall be provided to the mental health coordinator for the area which includes the county for which the list was prepared. A new register shall be provided to the mental health coordinator each time a new attorney is added.

2. If the judge finds that the respondent is unable to pay an attorney's fees for the services rendered in the proceedings, the judge shall allow a reasonable attorney's fee for the services, which fee shall be assessed as costs and shall be paid by the county of the respondent's residence together with all other costs in the proceeding. The state of Missouri shall reimburse any county for seventy-five percent of that portion of the cost relating to attorney's fees which exceed the total cost for such proceedings in that county for the year 1976 from funds appropriated to the Office of Administration for such purpose and for the remainder an action in mandamus shall lie in a court of competent jurisdiction against any such county refusing payment of the remainder.

3. Any fees for all services required of the probate judge, clerk or court for which reimbursement has not otherwise been made shall be paid by the county of respondent's residence.

**202.165. Appointment of physician for independent evaluation, how made—fee.—**The probate court in appointing physicians pursuant to the provisions of section 202.140 shall choose, if available, physicians who have agreed to serve without fee or physicians paid by any private or public agency, if they are found suitable, but if the court finds no suitable physicians from such sources, the court shall appoint a reasonably available licensed physician and they shall be paid a reasonable fee as determined by the court by the state from funds appropriated to the Office of Administration for this purpose.

**202.167. Physician-patient privilege waived, when—extent of waiver.—**The physician-patient privilege recognized by section 491.060, RSMo, shall be deemed waived in proceedings under sections 202.121 to 202.147. The fact that the physician-patient privilege has been waived pursuant to this section does not by itself waive the privilege in any other proceeding, civil or criminal. The waiver of the physician-patient privilege shall extend only to that evidence which is directly material and relevant to commitment proceedings.



**202.170. Appeals from court orders, procedure governing.—**1. Appeals from court orders made pursuant to sections 202.121 to 202.147 may be made by the respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have priority on the docket of the appellate court and shall be expedited in all respects.

2. A motion to stay any order restricting an individual's liberty may be filed in either the court having probate jurisdiction or the appropriate appellate court. A stay order shall not be granted in any case where the court finds that the person is so mentally ill that there is an imminent likelihood of serious physical harm to himself or others if he is not detained or treated pending appeal. Any refusal to grant a stay by the court having probate jurisdiction may be reviewed by the appropriate appellate court on motion.

**202.173. Detained person entitled to habeas corpus.—**Any person detained pursuant to this act shall be entitled to apply for a writ of habeas corpus.

**202.175. Person subject to commitment or receiving evaluation or treatment not to be presumed incompetent or lose legal or civil rights.—**A person subject to commitment resulting from any petition or proceeding pursuant to the provisions of this act shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided by law. No person shall be presumed incompetent or lose any civil rights, unless otherwise prescribed by law, as a consequence of receiving evaluation or treatment for a mental disorder, mental illness, mental retardation or developmental disability either voluntarily or involuntarily under the provisions of this chapter.

**202.177. Certain persons not to be judicially committed—exceptions.—**Persons who are mentally retarded, developmentally disabled, senile or impaired by alcoholism or drug abuse, shall not be committed judicially pursuant to the provisions of sections 202.121 through 202.147, unless they are also mentally ill and as a result present likelihood of serious physical harm to themselves or to others. Such persons may, however, be committed upon court order pursuant to the provisions of chapter 475, RSMo, relating to incompetent persons, pursuant to chapter 211, relating to juveniles, or may be admitted as voluntary patients pursuant to section 202.115 or section 202.187.

**202.180. Release of patient to less restrictive environment, when—conditions.—**1. The head of a mental health facility or his designee may release a patient whether voluntary or involuntary from the facility to a less restrictive environment, when he believes that such release is in the best interests of the patient. Release to a less restrictive environment shall include provisions for continuing responsibility to and by the facility.

2. Release to a less restrictive environment may be conditioned on the patient receiving outpatient care as prescribed by the head of the mental health facility or his designee. The period of treatment in the less restrictive environment shall not exceed the period of commitment.

3. The facility which is to provide treatment in the less restrictive environment must agree in writing to assume such responsibility. A copy of the conditions for release shall be given to the patient, and to the committing court.

4. The head of the mental health facility or his designee may modify the conditions for continued release from the facility to a less restrictive environment when such modification is in the best interest of the patient. Notification of any

changes shall be sent to the patient and to the committing court within ninety-six hours if the patient is involuntarily committed pursuant to sections 202.121 to 202.147. Upon a receipt of a notification returning the patient to the facility as an inpatient, the committing court may on its own motion or upon the patient's motion order a hearing to be held on the need for such change.

**202.183. Release or discharge of involuntarily detained person, when.—1.** The head of a mental health facility of his designee shall release any person who is involuntarily detained pursuant to the provisions of this act when, in his opinion, the person is no longer mentally ill, or, although mentally ill, does not present a likelihood of serious physical harm to himself or others, even though the commitment period has not expired.

2. The head of a mental health facility or his designee may permit a respondent detained for treatment to leave the facility for prescribed periods during his detention subject to conditions prescribed by the head of the mental health facility or his designee.

3. Whenever the head of a mental health facility, or his designee, discharges a person prior to the expiration of the commitment order, they shall notify in writing the committing court and the mental health coordinator.

**202.185. Placement of patient in nursing, boarding, or family home, when—conditions—inspections.—1.** The head of a mental health facility operated by the department of mental health may place any patient, whether voluntary or involuntary, in a licensed boardinghouse, licensed nursing home or family home, upon such terms and conditions as he deems appropriate when he believes that such placement would be appropriate and in the best interest of the patient. If the patient voluntarily admitted himself, the consent of the patient shall first be obtained. If the patient is a minor or has been placed by a guardian, the consent of the parent or guardian shall first be obtained. If the head of the mental health facility believes that placement in a licensed boardinghouse, licensed nursing home, or family home, is necessary to provide care and treatment in the least restrictive environment reasonably available and the parent or guardian refuses to consent to such placement, the head of the facility shall discharge the patient forthwith; except however, that the head of the mental health facility or his designee may petition the appropriate court having jurisdiction for an order authorizing such placement.

2. If the patient so placed is ineligible to receive public assistance benefits from any source, or such benefits are inadequate to meet the costs of such care, the monthly costs may be paid or supplemented out of funds appropriated for that purpose to the department of mental health, but the payment for such care shall not exceed the highest per capita cost of all similar facilities of the department of mental health for maintenance for the prior fiscal year.

3. The department of mental health shall arrange for or make inspections and visits in the home in which the patient has been placed, and provide adequate medical care.

4. The placement of a patient in a licensed boardinghouse, licensed nursing home, or family home shall be considered as a conditional release from the facility but shall not relieve the county of the patient's residence or those responsible for his support of a private patient, as the case may be, from the obligations imposed upon them by law for the support and maintenance of the patient if payments are made from funds appropriated to the department of mental health for such care.

5. The division of family services of the department of social services shall

cooperate with the state mental health facilities and the department of mental health in locating licensed boardinghouses or licensed nursing homes or family homes, making isits and inspections in such homes, and submitting reports regarding the homes and patients placed therein.

**202.187. Admission to mental retardation facility, who eligible—conditions for release.—1.** A head of a private mental retardation facility or his designee may and the head of a public mental retardation facility or his designee shall, except in cases of medical emergency and subject to the availability of suitable accommodations, admit the following persons for diagnosis, evaluation, treatment, education, habilitation or residential care:

(1) Any person sixteen years of age or over who applies for admission and who has symptoms of mental retardation or developmental disabilities and for whom, in the opinion of the head of the facility or his designee, admission is appropriate. Such persons are voluntary patients and shall have the right to consent to diagnosis, evaluation, treatment, education, habilitation, or residential care on an inpatient or outpatient basis;

(2) Any person who is a minor and who has symptoms of mental retardation or developmental disabilities for whom application for voluntary admission is made by his parent or other person legally entitled to his custody and for whom, in the opinion of the head of the facility or his designee, admission is appropriate. Such minor person shall be considered a voluntary patient, the parent or other person legally entitled to his custody in making such application for admission being deemed to be acting for such minor person and to have the right to consent to diagnosis, evaluation, treatment, education, habilitation, or residential care on an inpatient or outpatient basis of such minor;

(3) Any person who has been declared incompetent by a court of competent jurisdiction who has symptoms of mental retardation or development disabilities and for whom, in the opinion of the head of the facility or his designee, admission is appropriate provided however, that the guardian of such person must first obtain an order authorizing such admission from the court which currently has jurisdiction over the guardian and his ward;

(4) Any person who is under the jurisdiction of a juvenile court and who is committed to a facility not operated by the state of Missouri or to the custody of the director of the department of mental health pursuant to Section 211.201, RSMo, for assignment by the director to an appropriate facility.

2. A voluntary patient who is a minor and who requests his release either orally or in writing or whose release is requested, in writing, to the head of the mental retardation facility or his designee, by a parent, spouse, adult next-of-kin, or person entitled to his custody, shall be released forthwith except that:

(1) If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient;

(2) If the patient was admitted on the application of another person, his release shall be conditioned upon the consent of his parent, guardian, or other person entitled to his custody; and provided that

(3) If the head of the mental retardation facility or his designee does not concur in the patient's release, and if the head of the mental retardation facility or his designee regards such person as presenting a likelihood of serious physical harm to himself or others, the head of the mental retardation facility or his designee may hold such person for a reasonable length of time, not to exceed ninety-six hours, to permit the mental health coordinator, the head of the mental retardation facility or his designee to initiate involuntary commitment proceeding

pursuant to the provisions of sections 202.121 to 202.147, if appropriate, or to enable a juvenile officer to initiate appropriate proceedings in juvenile court, or to permit any individual, including the head of the mental retardation facility, his designee, or the mental health coordinator, to initiate guardianship proceedings and obtain an emergency detention order pursuant to chapter 475, RSMo.

3. A voluntary patient who is not a minor and who requests his release either orally or in writing to the head of the mental retardation facility or his designee, shall be released forthwith except that if the head of the mental retardation facility or his designee regards such person as presenting a likelihood of serious physical harm to himself or others, the head of the mental retardation facility, or his designee, may hold such person for a reasonable length of time, not to exceed ninety-six hours, to permit the mental health coordinator, the head of the mental retardation facility, or his designee, to initiate involuntary commitment procedures pursuant to sections 202.121 to 202.147, if appropriate, or to permit any individual, including the head of the mental retardation facility, his designee, or the mental health coordinator, to initiate guardianship proceedings and obtain an emergency detention order pursuant to chapter 475, RSMo.

**202.190. Duties of head of mental retardation facility.**—The head of each mental retardation facility or his designee shall:

(1) Cause the condition and status of each patient, whether voluntary or involuntary, to be reviewed and evaluated at least once every one hundred eighty days for the purpose of determining the need for further hospitalization or release. The head of the mental retardation facility shall also satisfy himself that each patient is receiving care and treatment in the least restrictive environment reasonably available which is appropriate and consistent to the patient's needs;

(2) Initiate proceedings to discharge any patient whose continued care or treatment is no longer appropriate;

(3) If the patient is a minor and his inpatient care or treatment has been authorized by the court having probate or juvenile jurisdiction, send a copy of the evaluation reports and treatment plans to the appropriate court.

**202.193. Placement of mental retardation facility patient in nursing, boarding, or family home, when—conditions—review of placement—appeal.**—1. The head of a mental retardation facility operated by the department of mental health may place any patient, whether voluntary or involuntary, in a licensed boardinghouse, licensed nursing home, licensed or certified mental retardation facility or family home, upon such terms and conditions as he deems appropriate when he believes after careful assessment and consultation with the parents or guardian and appropriate staff member that such placement:

(1) Is in the best interest to the patient;

(2) Is the least restrictive environment for providing care and treatment consistent with the needs and conditions of the patient;

(3) Will provide to the patient that individual degree of care and treatment which is required for that person and which is of comparable quality to the existing services and program based upon investigation of the alternative place and its program of care and treatment;

(4) Gives due consideration to the relationship of the patient to his family, guardian or friends, so as to maintain relationships and encourage visits beneficial to the patient.

2. A written statement shall be provided by the head of the facility to the patient, his parent or guardian or if none, to his nearest relative setting forth the grounds for his belief that the proposed placement is proper under the standards in subsection 1.

3. If the patient voluntarily admitted himself, the consent of the patient shall first be obtained. If the patient is a minor or has been placed by a guardian, the consent of the parent or guardian shall first be obtained. The provisions of this subsection shall not be applicable to patients of the regional centers for the developmentally disabled who are admitted to the regional centers for diagnosis, evaluation and placement.

4. If the parent or guardian does not consent to the proposed placement, the head of the facility may petition the chairman of the state advisory council on mental retardation and developmental disabilities (mandated by P.L. 94-103) to appoint and convene a review board composed of three members, at least one member of which shall be a parent or guardian of a patient in a public mental retardation facility and the remaining members shall be persons from non-governmental organizations or groups concerned with the education, employment, rehabilitation, welfare and health of the mentally retarded and developmentally disabled, or consumers of the services provided by such facilities who are familiar with the need for such services. No member of the board shall be an officer or employee of the Department of Mental Health.

5. After notice and hearing, the board shall determine whether the proposed placement is appropriate under the standards of subsection 1. Pending the convening and final decision of the review board that the proposed placement is appropriate, the patient shall not be discharged nor shall the patient be transferred to the proposed placement. The head of the facility may, however, temporarily transfer or discharge the patient if he presents a likelihood of serious physical harm to himself or others or if such transfer or discharge is necessary to provide emergency medical care to the patient.

6. Any person aggrieved by the decision of the review board, including the head of the facility, may seek review de novo by filing a petition in the circuit court within thirty days after notice of the final decision of the board. The court shall cause the proceedings to be expedited in all respects. The court, upon notice to all parties, may order the stay of any discharge or transfer of the patient pending final determination.

7. In all proceedings either before the review board or before the circuit court, the burden of proof shall be upon the head of the facility to demonstrate that the proposed placement is appropriate under the standards of subsection 1.

8. There shall be no retaliation against any state employee who testifies or otherwise provides information or evidence in regard to a proposed placement.

9. If the patient so placed is ineligible to receive public assistance benefits from any source, or such benefits are inadequate to meet the costs of such care, the monthly costs may be paid or supplemented out of funds appropriated for that purpose to the department of mental health, but the payment for such care shall not exceed the highest per capita cost of all similar facilities of the department of mental health for maintenance for the prior fiscal year.

10. The department of mental health shall provide or shall arrange for follow-up care and shall make or arrange for periodic inspections at least quarterly and visits to the program in which the patient has been placed to insure that the patient is receiving care and treatment including medical care consistent with his needs and condition. After a patient has been placed in a community placement program, the department, for a period of four months following the initial placement, shall inspect, evaluate and review the progress of the community placement for the individual patient at least once a month.

11. The placement of a patient in a licensed boardinghouse, licensed nursing home, licensed or certified mental retardation facility or family home, shall be

considered as a conditional release from the facility but shall not relieve the county of the patient's residence or those responsible for the support of a private patient, as the case may be, from the obligations imposed upon them by law for the support and maintenance of the patient if payments are made from funds appropriated to the department of mental health for such care.

12. The division of family services of the department of social services, shall cooperate with the state mental retardation facilities and the department of mental health in locating licensed boardinghouses, licensed nursing homes, licensed or certified mental retardation facilities, or family homes, making visits and inspections in such homes and submitting reports regarding the homes and patients placed therein.

**202.195. Records to be confidential—procedure for conditional release of records.**—1. The fact of admission and all information and records compiled, obtained, prepared or maintained by the mental health coordinator, mental health or retardation facility, or otherwise in the course of providing services to either voluntary or involuntary patients at public or private mental health or retardation facilities shall be confidential. Information and records may be disclosed only:

(1) As authorized by the patient, his guardian, or if the person is a minor by his parent or other person legally entitled to his custody;

(2) To persons or agencies responsible for providing health care services to such patients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies, but such personnel shall not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose patient identities in any manner;

(5) To the courts as necessary to the administration of this act;

(6) To law enforcement officers or public health officers only to the extent necessary to carry out the responsibilities of their office; provided, that the law enforcement and public health officers shall be obligated to keep such information confidential;

(7) To the attorney of the detained person;

(8) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(9) To the attorney representing petitioners pursuant to section 202.157 and to mental health coordinators only to the extent necessary to carry out their duties pursuant to this act.

2. The records and files maintained in any court proceeding pursuant to sections 202.121 to 202.147, shall be confidential and available only to the respondent, his attorney, guardian, or in the case of a minor to a parent, or other person legally entitled to his custody, and to the petitioner and his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown and the court may impose such restrictions as the court deems appropriate.

3. Nothing contained in this act shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

**202.197. Additional conditions for release of information.**—1. Notwithstanding the provisions of section 202.195, a public or private mental health or retardation facility may release to a patient's next of kin, attorney, guardian, or conservator,

if any, the information that the person is presently a patient in the facility or that the person is seriously physically ill.

2. Upon the death of a patient, his next of kin, guardian, or conservator, if any, shall be notified.

3. Next of kin shall be notified under this section in the following order:

- (1) Spouse;
- (2) Parents;
- (3) Children;
- (4) Brothers and sisters;
- (5) Other relatives according to the degree of relation.

**202.199. Disclosure of absence of patient, when—how made.**—When a patient is absent due to his unauthorized disappearance from a facility, and his whereabouts is unknown and disclosure is necessary for the protection of the patient or others and the provisions of section 202.195 would otherwise be applicable notice of such disappearance along with relevant information may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the head of the facility or his designee.

**202.200. No liability for persons responsible for commitment or detention—exceptions.**—No officer of a public agency or mental health or retardation facility nor the superintendent or professional person in charge, his professional designee, attending staff or consultants of any such agency or facility, nor any mental health coordinator or any other public official performing functions necessary for the administration of chapter 202 nor any peace officer responsible for detaining a person pursuant to this act shall be civilly or criminally liable for detaining or releasing a person pursuant to sections 202.121 to 202.147 at or before the end of the period for which he was admitted or committed for evaluation or treatment provided that such duties were performed in good faith and without gross negligence.

**202.203. No liability for making or filing application for detention or commitment.**—No person making or filing an application alleging that a person should be involuntarily detained, certified, or committed, treated, or evaluated pursuant to this chapter shall be rendered civilly or criminally liable if the application was made and filed in good faith.

**202.205. Patients entitled to standard of care and treatment.**—Every patient, whether voluntary or involuntary, shall be entitled to humane care and treatment, to freedom from verbal and physical abuse, and to the extent that the facilities equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice.

**202.207. Medical treatment not mandatory if patient relies on religious practice.**—1. The provisions of this chapter shall not be construed as authorizing any form of compulsory medical treatment of any person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone for healing unless the individual or his legal guardian, if any, consents to such treatment.

**202.213. Right to refuse electroshock treatment— involuntary electroshock treatment on court order, when—hearing—emergency electroshock treatment, when.**—Every patient, whether voluntary or involuntary in a public or private mental health or mental retardation facility shall have the right to refuse electroshock treatment. Electroshock treatment shall not be rendered to a patient un-

less the patient has given his express written consent which consent shall be informed and voluntary or as hereinafter provided. Involuntary electroshock shall not be administered absent a court order after a full evidentiary hearing, where the patient resisting such treatment is represented by counsel who shall advocate his position. At the conclusion of such hearing, the court may order that involuntary electroshock treatment be performed only if it is shown, by clear, cogent and convincing evidence that there is a strong likelihood that it will significantly improve or cure the patient's mental illness for a substantial period of time without causing him any serious functional harm, and that there is no less drastic alternative form of therapy which could lead to substantial improvement in the patient's condition. Further, involuntary electroshock treatment may be given absent of a court order where a detailed written finding is made and entered in a patient's record and signed by two licensed physicians that there is a reasonable medical likelihood that such treatment is of a life-saving nature and that there is a reasonable likelihood that absent such treatment death will occur within approximately 48 hours.

**202.215. Rights of patients—limitations.**—1. Except to the extent that the head of a mental health or mental retardation facility or his designee determines that it is necessary for the medical welfare of the patient or others to impose restrictions, every patient whether voluntary or involuntary shall be entitled:

- (1) To wear his own clothes and to keep and use his own personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;
- (3) To communicate by sealed mail or otherwise with persons including agencies inside or outside the facility;
- (4) To receive visitors of his own choosing at reasonable hours;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To a nourishing, well-balanced and varied diet;
- (7) To opportunities for physical exercise and outdoor recreation;
- (8) To reasonable, prompt access to current newspapers, magazines, and radio and television programming.

2. Any limitations imposed by the head of the facility or his designee on the exercise of these rights by patients and the reasons for such limitations shall be made a part of the clinical record of the patient.

3. Each patient whether voluntary or involuntary shall have an absolute right to receive visits from his attorney, physician, or clergyman, in private at reasonable times.

4. Notwithstanding any limitations authorized under this Section on the right of communication, every patient shall be entitled to communicate by sealed mail with the department and with the court, if any, which ordered his commitment.

5. At the time of admission, whether voluntary or involuntary, each patient shall be given a brochure which sets forth, in language easily understandable by laymen, a description of the facility and the services it provides, information to voluntary patients which informs them as to how they can seek their release or discharge, and a statement setting forth the rights listed in subsections 1 through 4. Unless there is assurance that the patient can read such brochure with understanding, it shall be explained to him by facility personnel.

**202.220. Provisions of section 202.010 and sections 202.110 to 202.225 not to apply retroactively.**—Except as herein provided, the provisions of this act shall



not impair any action taken in any proceedings pending under statutes in effect prior to January 2, 1979, nor shall they apply retroactively to terminate the detention of any person previously committed pursuant to statutes in effect prior to January 2, 1979. The commitment of any person pursuant to section 202.807, RSMo Cum. Supp. 1975, shall terminate not more than one year after January 2, 1979, unless further detention and treatment is authorized pursuant to section 202.145 or pursuant to the provisions of chapter 475, RSMo.

**202.223. Involuntarily committed person to be transferred to federal facility, when—procedure for transfer.**—1. If an individual ordered to be involuntarily committed, treated and evaluated pursuant to this chapter is eligible for hospital care or treatment by any agency of the United States, the court, upon receipt of a certificate from such agency showing that facilities are available and that the individual is eligible for care or treatment therein, may order him to be placed in the custody of such agency for hospitalization. When any individual is admitted pursuant to the order of the court to any hospital or institution operated by any agency of the United States within or without the state, he shall be subject to the rules and regulations of such agency. The chief officer of any hospital or institution operated by such agency and in which the individual is so hospitalized, with respect to the individual shall be vested with the same powers as the heads of hospitals or the division within this state with respect to detention, custody, transfer, conditional release, or discharge of patients. Jurisdiction is retained in the appropriate courts of this state at any time to inquire into the mental condition of an individual so hospitalized, and to determine the necessity for continuance of his hospitalization, and every order of hospitalization issued pursuant to this section is so conditioned.

2. An order of a court of competent jurisdiction of another state, or of the District of Columbia, authorizing hospitalization of an individual by any agency of the United States shall have the same force and effect as to the individual while in this state as in the jurisdiction in which is situated the court entering the order, and the courts of the state or District of Columbia issuing the order shall be deemed to have retained jurisdiction of the individual so hospitalized for the purpose of inquiring into his mental condition and of determining the necessity for continuance of his hospitalization, as is provided in subsection 1 of this section with respect to individuals ordered hospitalized by the courts of this state. Consent is hereby given to the application of the law of the state or District of Columbia in which is located the court issuing the order for hospitalization with respect to the authority of the chief officer of any hospital or institution operated in this state by any agency of the United States to retain custody, transfer, conditional release, or discharge the individual hospitalized.

**202.225. Transfer of involuntary patient from one public facility to another, when—procedure.**—1. The department may transfer, or authorize the transfer of, an involuntary patient from one public hospital or facility to another if the department determines that it would be consistent with the medical needs of the patient to do so. Whenever a patient is transferred, written notice thereof shall be given to his legal guardian, parents and spouse, or, if none be known, his nearest known relative or friend. In all such transfers, due consideration shall be given to the relationship of the patient to his family, legal guardian or friends, so as to maintain relationships and encourage visits beneficial to the patient.

2. Upon receipt of a certificate of an agency of the United States that facilities are available for the care or treatment of any individual heretofore ordered involuntarily committed, treated and evaluated pursuant to this chapter

in any facility for the care or treatment of the mentally ill, mentally retarded or developmentally disabled and that such individual is eligible for care or treatment in a hospital or institution of such agency, the department may cause his transfer to such agency of the United States for hospitalization. Upon effecting any such transfer, the court ordering hospitalization, the legal guardian, spouse and parents or if none be known, his nearest known relative or friend shall be notified thereof immediately by the department. No person shall be transferred to an agency of the United States if he is confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of mental illness unless prior to transfer the court originally ordering confinement of such person enters an order for the transfer after appropriate motion and hearing. Any person transferred to an agency of the United States shall be deemed to be hospitalized by such agency pursuant to the original order of hospitalization.

**Section A. Emergency clause.**—Because of serious problems arising in the field of mental health and the necessity for the department of mental health to begin preparation to carry out its duties under this act, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and that section is hereby declared to be an emergency act within the meaning of the constitution, and section 1 shall be in full force and effect upon its passage and approval or on July 1, 1978, whichever later occurs.

**Section B. Effective date.**—Section 2 shall become effective January 2, 1979.

Approved May 9, 1978.

[S. B. 653]

**PUBLIC HEALTH AND WELFARE: Qualifications, responsibilities and duties of superintendents and other administrators of facilities in the Department of Mental Health.**

AN ACT to repeal sections 202.050 and 202.051, RSMo 1969, and section 202.040, RSMo Supp. 1975, relating to qualifications, responsibilities and duties of superintendents and other administrators of facilities in the department of mental health, and to enact in lieu thereof three new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
202.040. Appointment of superintendents, qualifications—chiefs of medical staffs.

**SECTION**

- 202.050. Duties of superintendents—appointment of employees.  
202.051. Director to assign duties—appointment of employees.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 202.050 and 202.051, RSMo 1969, and section 202.040, RSMo Supp. 1975 are repealed and three new sections enacted in lieu thereof, to be known as sections 202.040, 202.050 and 202.051, to read as follows:

**202.040. Appointment of superintendents, qualifications—chiefs of medical staffs.**—The directors of the division of mental retardation-developmental disabilities, division of alcoholism and drug abuse and division of comprehensive psychiatric services, with the approval of the director of the department of mental health, shall appoint, for each major facility under the administration and control of their respective divisions, a superintendent who shall be the chief administrative officer of the facility. Such superintendents shall have at least a

master's degree in health care administration or related administrative discipline with experience, or either a master's degree in a clinical area with demonstrated administrative experience in a mental health or mental retardation facility, or a licensed physician with demonstrated ability or specialized training in administration of programs for the care and treatment of persons afflicted with either mental disease, mental retardation, developmental disabilities, alcoholism, or drug abuse. Such major facilities shall also have a chief of medical staff who shall be a licensed physician with responsibilities for the development and monitoring of professional care and treatment.

**202.050. Duties of superintendents—appointment of employees.**—Superintendents of the several major facilities of the department of mental health, subject to the directives of the director of the department of mental health, shall have charge, control, and management of the entire facility. The superintendent of each major facility shall keep records and make reports the department deems necessary and advisable. Each superintendent may employ, appoint and discharge employees of his facility subject to the approval of the director of the department. The employment, appointment and discharge of the employees shall conform with the requirements of chapter 36, RSMo.

**202.051. Director to assign duties—appointment of employees.**—Heads of other than major facilities of the department shall have duties and responsibilities found by their respective division and by the department to be appropriate to the function assigned to the facility. The director of the department may delegate to the heads of other than major facilities of the department authority to employ, appoint and discharge employees of the facilities subject to the approval of the director of their respective division and the director of the department. The employment, appointment and discharge of the employees shall conform with the requirements of chapter 36, RSMo.

Approved April 19, 1978.

[H. B. 1036]

**PUBLIC HEALTH AND WELFARE: Nursing homes.**

**AN ACT** to repeal section 205.375, RSMo Supp. 1975, relating to certain nursing homes acquired and erected by counties or townships, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

Enacting clause.  
205.375. Nursing homes, county or township may acquire and erect—issuance of bonds, exceptions—leasing of homes, to whom.

**SECTION**

2. Nursing homes, county owned, conveyance to nursing home district—procedure, consideration.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 205.375, RSMo Supp. 1975 is repealed and two new sections enacted in lieu thereof, to be known as sections 205.375 and 2, to read as follows:

**205.375. Nursing homes, county or township may acquire and erect—issuance of bonds, exceptions—leasing of homes, to whom.**—1. For the purposes of this section "nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services

(1) Which is operated in connection with a hospital, or  
(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the state.

2. The county court of any county or the township board of any township may acquire land to be used as sites for, construct and equip nursing homes and may contract for materials, supplies, and services necessary to carry out such purposes.

3. For the purpose of providing funds for the construction and equipment of nursing homes the county courts or township boards may issue bonds as authorized by the general law governing the incurring of indebtedness by counties; provided however, that no such tax shall be levied upon property which is within a nursing home district as provided in chapter 198, RSMo, and is taxed for nursing home purposes under the provisions of that chapter, or may provide for the issuance and payment of revenue bonds in the manner provided by and in all respects subject to chapter 176, RSMo, which provides for the issuance of revenue bonds of state educational institutions.

4. The county courts or township boards may provide for the leasing and renting of the nursing homes and equipment on the terms and conditions that are necessary and proper to any person, firm, corporation or to any nonprofit organizations for the purpose of operation in the manner provided in subsection 1.

**Section 2. Nursing homes, county owned, conveyance to nursing home district—procedure, consideration.**—1. The county court of any county having a nursing home erected under the provisions of section 205.375, RSMo, may order the conveyance of the county nursing home and appurtenant property and facilities necessary for the operation thereof to any nursing home district formed under the provisions of law that is wholly located within the county. If the judges of the county court agree to accept the consideration offered by the nursing home district for the county nursing home property, both real and personal, the court, by order, shall appoint a commissioner to convey the property. The commissioner shall not convey the property unless:

(1) The instrument of conveyance contains a provision prohibiting the nursing home district from refusing to admit residents of the county conveying the property solely on the basis that they are not residents of the district; and

(2) The instrument of conveyance contains a provision that the board of directors of the nursing home district will perform all duties imposed by law on the governing body of the county nursing home and all covenants the governing body of the county nursing home made to secure issuance of any bonds outstanding at the time the nursing home is conveyed. The deed of the commissioner, under his proper hand and seal, for and in behalf of the county, duly acknowledged and recorded, conveys to the nursing home district all the right, title, interest and estate which the county has in property.

2. The consideration to be received by the county for conveyance of the property may consist exclusively of the assumption of any outstanding valid indebtedness against the facility, or any bond issued for the construction or operation thereof, in the discretion of the county court.

3. The consideration received by the county for conveying the nursing home property to the nursing home district shall be applied to the payment of any interest and principal of any outstanding valid indebtedness of the county incurred for purchase of the site or construction of the nursing home, or for any repairs, alterations, improvements, or additions thereto, or for operation of the nursing home. If the consideration received by the county for conveying the nursing home property; and any interest thereon, is, or will be, insufficient to pay the interest

and principal of any valid outstanding bonded indebtedness as they fall due, the county court shall continue to provide for the collection of an annual tax on all taxable tangible property in the county sufficient to pay the interest and principal of the indebtedness as it falls due and to retire the bonds within the time required therein.

4. Any balance of the consideration received by the county for conveying the nursing home property which remains after all indebtedness incurred in connection with the nursing home is paid shall be placed to the credit of the general fund of the county.

5. The holder of any revenue bond issued to finance the erection, site acquisition or any repair, alteration, improvement or addition to the county nursing home or for the operation of the home prior to its conveyance to the nursing home district, or any coupons representing interest thereon, may, by proper civil action, compel the board of directors of the nursing home district to perform all duties imposed by law and to enforce the performance of any other covenants made by the board of directors of the nursing home district or the governing body of the county nursing home in the issuance of the bonds.

Approved June 12, 1978.

[S. B. 652]

**PUBLIC HEALTH AND WELFARE: Community mental health services.**

AN ACT to repeal sections 205.975, 205.976, 205.977, 205.978, 205.979, 205.980, 205.981, 205.982, 205.983, 205.984, 205.985, 205.986, 205.987 RSMo 1969, relating to community mental health services, and to enact in lieu thereof sixteen new sections relating to the same subject.

**SECTION**

1. Enacting clause.
- 205.975. Definitions.
- 205.976. Department to establish catchment areas.
- 205.977. Tax authorized.
- 205.978. Petition, requirements of.
- 205.979. Election — notice — ballot form — how conducted.
- 205.980. Tax to be levied and collected, when—rate—deposit of funds collected.
- 205.981. May contract for services—length of contract.
- 205.982. Joint cooperation authorized—submission of budget requests—withdrawal from cooperative effort.

**SECTION**

- 205.983. Joint financing, procedure—treasurer to be bonded.
- 205.984. Board of trustees, qualifications, method of appointment, terms.
- 205.985. Existing facilities may be utilized.
- 205.986. Powers and duties of board of trustees.
- 205.987. Duties of department as to standards—to be met, when.
- 205.988. Additional duties of department.
- 205.989. Payment for services—not to be denied for inability to pay.
- 205.990. Nonparticipating counties to pay for residents, when, basis—determination of residence.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 205.975, 205.976, 205.977, 205.978, 205.979, 205.980, 205.981, 205.982, 205.983, 205.984, 205.985, 205.986 and 205.987, RSMo 1969, are repealed and sixteen new sections enacted in lieu thereof to be known as Sections 205.975, 205.976, 205.977, 205.978, 205.979, 205.980, 205.981, 205.982, 205.983, 205.984, 205.985, 205.986, 205.987, 205.988, 205.989, and 205.990, to read as follows:

**205.975. Definitions.**—As used in sections 205.975 to 205.990, the following words and terms mean:

- (1) "Department," department of mental health;
- (2) "Governing body," county court, county legislature, or other chief legislative body of a county or city not within a county;

(3) "Community mental health center," a legal entity through which comprehensive mental health services are provided to individuals residing in a certain catchment area;

(4) "Mental health clinic," a health entity offering community services delivered from a fixed place or from various places within a catchment area on an outpatient and consultative basis for the prevention, diagnosis, and treatment of emotional or mental disorders, alcoholism, or drug abuse;

(5) "Catchment area," a defined geographic area as set forth in the state plan for comprehensive mental health services prepared by the department;

(6) "Board of trustees," board appointed by a governing body or jointly by governing bodies within a catchment area for the purposes of administering a county community mental health fund to establish and operate a community mental health center, mental health clinics, or any comprehensive mental health services; to supplement existing funds for a center, clinics, or services, or to purchase services from a center, clinics, or public facilities and not-for-profit corporations providing any comprehensive mental health services;

(7) "Participating Counties," counties which choose to appropriate funds from their general tax revenues or levy and collect special taxes to support with other counties a community mental health center, mental health clinics, or any comprehensive mental health services;

(8) "Comprehensive mental health services," inpatient services, outpatient services, day care and other partial hospitalization services, emergency services, diagnostic and treatment services, liaison and follow-up services, consultation and education services, rehabilitation services, prevention services, screening services, follow-up care services, transitional living services, alcoholism and alcohol abuse prevention and treatment services, and drug addition and drug abuse prevention and treatment services.

**205.976. Department to establish catchment areas.**—The department shall establish catchment areas within which comprehensive mental health services and programs shall be conducted as defined and designated in the most recent state plan of the department. A catchment area may contain several counties situated entirely within its boundaries or one or more catchment areas may be contained entirely within the boundaries of a county.

**205.977. Tax authorized.**—Any county which has one or more catchment areas within its boundaries or which is within the boundaries of a catchment area may, by a majority vote of the qualified voters voting thereon, levy and collect a tax to accomplish any of the following purposes:

(1) Providing necessary funds to establish, operate, and maintain community mental health centers, mental health clinics, or any comprehensive mental health services;

(2) Providing funds to supplement existing funds for the operation and maintenance of community mental health centers, mental health clinics, or any comprehensive mental health services;

(3) Purchasing any of the comprehensive mental health services from community mental health centers, mental health clinics, and other public facilities or not-for-profit corporations which are designated by the department.

**205.978. Petition, requirements of.**—1. Whenever eight percent of the qualified voters of the county sign a petition and file it with the governing body not less than forty-five days before the primary or general election requesting an election be held on the question of establishing a community mental health fund for

establishing, maintaining, or establishing and maintaining a community mental health service to accomplish the purposes as set out in Section 205.977, it is the duty of the governing body to submit the proposition to the voters of the county at the next primary or general election, or the governing body may adopt a resolution to submit the question to a vote of the people at the next primary or general election.

2. The total vote cast for governor in the county at the last general election at which a governor was elected shall be used to determine the number of qualified voters required for the petition.

**205.979. Election—notice—ballot form—how conducted.**—1. The clerk of the governing body or other official authorized to give notice of elections shall give notice of the election by causing a copy of the order of the governing body for the election and its purpose to be published four times in at least one newspaper of the county, the last publication to be not more than one week prior to the date of the election.

2. The tax may not be levied to exceed thirty cents per each one hundred dollars assessed valuation therefor.

3. The ballot to be used for voting on the proposition shall be substantially in the following form:

**OFFICIAL BALLOT**

(Check the one for which you wish to vote.)

Shall (name of county) establish a community mental health fund to establish (and) (or) maintain a community mental health service, and for which the (county) shall levy a tax of (insert exact amount to be voted upon) cents per each one hundred dollars assessed valuation therefor.

YES ☐ NO ☐

4. The election shall be conducted and the vote canvassed in the same manner as other county elections.

**205.980. Tax to be levied and collected, when—rate—deposit of funds collected.**—1. The governing body of the county shall, upon approval of a majority of the qualified voters of such county voting thereon, levy and collect a tax as specified on the ballot, not to exceed thirty cents per one hundred dollars of assessed valuation upon all taxable property within the county, to accomplish the purposes as set out in section 205.977.

2. The tax so levied shall be collected along with other county taxes in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund to be designated "community mental health fund" to accomplish the purposes as set out in section 205.977 and shall be used for no other purpose. Deposits in the fund shall be expended only upon approval of the board of trustees.

3. Tax levies once approved by a majority of the voters shall continue in effect if the question is resubmitted either to raise or lower the levy and not approved by a majority of votes cast on the question.

**205.981. May contract for services—length of contract.**—1. The governing body of any county may contract with a community mental health center, mental health clinic, or other public facility or not-for-profit corporation as designated by the department for such comprehensive mental health services for the residents of such county as may be mutually agreeable between the governing board or officials of such center, clinic, facility, or corporation and the governing body of the county requesting the services for the residents thereof.

2. The consideration for the provision of services under this section shall be

appropriated out of the county's general revenue fund and shall not exceed an amount of revenue that could be derived from a tax levy authorized by sections 205.977 to 205.980.

3. Each contract may be for a term of not exceeding five years, but may be renewed from time to time.

**205.982. Joint cooperation authorized—submission of budget requests—withdrawal from cooperative effort.**—1. Governing bodies of counties within a catchment area may enter into contractual agreements with each other to accomplish any of the following purposes:

(1) The joint provision of necessary funds to establish, operate, and maintain a community mental health center, mental health clinic, or any comprehensive mental health services;

(2) The joint provision of funds to supplement existing funds for the establishment, operation, or maintenance of a community mental health center, mental health clinic, or any comprehensive mental health services;

(3) The joint provision for purchasing any comprehensive mental health services from a community mental health center, mental health clinic, or other public facilities or not-for-profit corporations as designated by the department;

(4) The provision for operation of services and facilities by one participating county under contract with other participating counties.

2. If two or more counties enter into a joint agreement in accordance with subsection 1 of this section, it shall be the obligation of the board of trustees or other governing board of each community mental health center, mental health clinic, public facility, or not-for-profit corporation receiving funds pursuant to the agreement to submit to the governing bodies of the counties, prior to the budget submission date of each governing body, an estimate of the proportionate share of costs of mental health services to be borne by each governing body under the agreement.

3. Any county desiring to withdraw from a joint program may submit to the board of trustees and to any entity receiving funds pursuant to the joint agreement a resolution requesting withdrawal therefrom together with a plan for the equitable adjustment and division of the assets, property, debts, and obligations, if any, of the program. Unless all participating counties by votes of their governing bodies agree to an earlier withdrawal, no county participating in a joint program may withdraw therefrom without the consent of any entity receiving funds pursuant to the joint agreement for services earlier than two years after submission of the withdrawal resolution to the entities receiving funds.

**205.983. Joint financing, procedure—treasurer to be bonded.**—1. Any participating county may provide for the financing of its share or portion of the costs or expenses of the joint agreements entered into pursuant to section 205.982 in a manner and by the same procedures for the financing by a single county to accomplish the same purposes in accordance with sections 205.977 to 205.981, if acting alone and on its own behalf.

2. All monies received from each participating county pursuant to the joint agreements shall be deposited in a special fund designated as a "community mental health fund" and disbursed with the approval of the board of trustees in accordance with the joint agreements entered into by the participating counties.

3. The treasurer of the board of trustees, before funds are received from any participating county, shall enter into a bond to each participating county with two or more sureties, to be approved by the board of trustees, conditioned that he will render a faithful and just account of all money that may be deposited into the



community mental health fund, and otherwise perform his duties according to law, such bond to be filed with each participating county.

**205.984. Board of trustees, qualifications, method of appointment, terms.—1.** Upon electing to provide comprehensive mental health services in accordance with sections 205.975 to 205.990, the county or combination of counties shall establish a board of trustees consisting of not less than nine members for a catchment area entirely within any county or for a combination of participating counties within a catchment area.

2. The composition of the board of trustees shall be representative of the residents of the catchment area or participating counties within a catchment area taking into consideration their employment, age, sex, and place of residence and other demographic characteristics of the area. At least one member shall be a licensed physician and at least one-half of the members of such body shall be individuals who are not providers of health care.

3. For multi-county catchment areas, each participating county shall have at least one representative on the board of trustees. The remaining members shall be appointed in proportion to the populations of the participating counties within the catchment area.

4. The terms of office of the members of the board of trustees shall be three years except that of the first appointments, the terms of the members shall be staggered as follows:

(1) In multi-county catchment areas, one member from each county shall be appointed to a three-year term. Counties which have two or more representatives shall appoint one member to a two-year term. Counties having more than two representatives shall appoint one-third of its members to one-year terms, one-third to two-year terms, and one-third to three-year terms.

(2) In catchment areas entirely within a county, one-third of the members shall be appointed for one year, one-third for two years, and one-third for three years.

**205.985. Existing facilities may be utilized.—1.** This Act shall not affect the validity of community mental health centers and other providers of any comprehensive mental health services as designated by the department and governing boards of such centers and providers established and appointed before a county or combination of counties elects to provide funds to accomplish the purposes as set out in sections 205.975 to 205.990. However, this section shall not be construed to preclude reconstitution of the centers or other entities and their governing boards to include all or a portion of the board of trustees.

2. Nothing in sections 205.975 to 205.990 shall preclude a board of trustees of a catchment area within a county or of a combination of counties within a catchment area from contracting with an existing public facility or not-for-profit organization to provide any comprehensive mental health services for the residents of the county or the area to be served.

**205.986. Powers and duties of board of trustees.—**The board of trustees appointed by a county or a combination of counties shall have the following powers and responsibilities to administratively control and manage the community mental health fund to accomplish the purposes as set out in sections 205.977 and 205.982:

(1) In the case of a community mental health center, mental health clinic, or any comprehensive mental health service established by a county or combination of counties, the center, clinic, or service shall be under the administrative control and management of the board of trustees which shall be the governing board which may employ necessary personnel, fix their compensation, and provide quar-

ters and equipment for the operation with funds from federal, state, county, and city governments available for that purpose and which shall take steps as it deems necessary to secure private and public funds to help support the centers, clinics, or services.

(2) In the case of a county or combination of counties providing funds to supplement existing funds or purchase services from an existing community mental health center, mental health clinic, or other public facility or not-for-profit corporation as designated by the department, the board of trustees shall administer and disburse the community mental health fund for the provision of any comprehensive mental health services.

(3) The board of trustees has the authority to contract with existing public facilities or not-for-profit corporations to provide services for the residents of the county or the catchment area to be served.

(4) The board of trustees shall submit information as required on the disbursement of monies from the community mental health fund set up to accomplish the purposes as set out in sections 205.977 and 205.982 to the department by such date as it specifies in order to facilitate annual preparation of regional and state plans.

**205.987. Duties of department as to standards—to be met, when.—**1. In consultation with the state advisory council for comprehensive psychiatric services and existing public or private entities providing any comprehensive community mental health services, the department shall develop and promulgate standards of construction, staffing, operations, and services which any public or private entity providing any comprehensive mental health services shall meet before funds collected pursuant to sections 205.975 to 205.990 may be disbursed. The records, operations, and services provided by any entity under sections 205.975 to 205.990 shall be subject to annual review or inspection by the department.

2. Any entity which provides or seeks to provide any comprehensive mental health service and desires to apply for federal community mental health grants for the purpose of constructing, operating, maintaining, or staffing a comprehensive mental health service shall meet all standards of construction, staffing, operations, and maintenance as developed and promulgated by the department in consultation with the state advisory council for comprehensive psychiatric services and existing public or private entities providing any comprehensive mental health services. Such entities shall be subject to annual review and inspection by the department.

**205.988. Additional duties of department.—**In addition to duties and powers elsewhere provided in sections 205.975 to 205.990, the department shall do the following:

(1) Develop and establish arrangements and procedures for the effective coordination and integration of department services and community mental health services;

(2) Provide consultative services to counties seeking to establish or support community mental health services, and provide other consultative services to the counties, community mental health centers, mental health clinics, or any comprehensive mental health service as the department may deem feasible and appropriate;

(3) Develop and collect information needed to perform its duties in such a manner that the identity of any individual who receives a service from an entity receiving funds pursuant to sections 205.975 to 205.990 shall be confidential in accordance with state and federal law.

**205.989. Payment for services—not to be denied for inability to pay.—**1. No

person because of inability to pay shall be denied the services of a community mental health center, mental health clinic, or other public facility or not-for-profit corporation in which a county or participating counties have established services or provided funds pursuant to sections 205.975 to 205.990.

2. Based on their abilities to pay, persons receiving any comprehensive mental health services funded either in whole or in part in accordance with sections 205.975 to 205.990 shall be charged for the services. The amounts necessary to be charged for the services shall be related to the actual per capita inpatient costs or actual outpatient or examination or other service costs.

**205.990. Nonparticipating counties to pay for residents, when, basis—determination of residence.**—1. If a community mental health center, mental health clinic, or any comprehensive mental health service is supported by some participating counties, but not by all the counties within the catchment area it services, then the center or clinic shall charge the nonparticipating counties for services rendered to persons not able to pay who are residents of such nonparticipating counties.

2. The amounts to be charged to the counties not participating shall be the same proportion of the actual per capita inpatient costs or actual outpatient costs for examination or other service costs as the proportion borne by the participating counties of the actual expenses of providing the comprehensive mental health service rendered to each person not able to pay who is a resident of a county not participating.

3. For the purpose of this section, the county of residence shall be determined as follows:

(1) If an individual is receiving a service that includes nighttime sleeping accommodations, his county of residence shall be that county in which the individual maintains his primary place of residence at the time he entered the community mental health center, mental health clinic, or other comprehensive mental health service;

(2) If an individual is receiving a service that does not include nighttime sleeping accommodations, his county of residence shall be that county in which the individual maintains his primary place of residence.

Approved June 14, 1978.

[S. B. 596]

**PUBLIC HEALTH AND WELFARE: Public assistance eligibility.**

AN ACT to repeal section 208.010, RSMo Supp. 1975, relating to public assistance eligibility, and to enact in lieu thereof one new section relating to the same subject, effective July 1, 1979.

**SECTION**

1. Enacting clause.  
208.010. Eligibility for public assistance,  
how determined—means test.

**SECTION**

2. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 208.010, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 208.010, to read as follows:

**208.010. Eligibility for public assistance, how determined—means test.**—1. In determining the eligibility of a claimant for public assistance under this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his living

conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished under sections 208.151 to 208.158 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance, shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. In determining the need of a claimant in federally aided programs there shall be disregarded five dollars per month of any income and such amounts per month of earned income shall be disregarded in making such determination as shall be required for federal participation by the provisions of the Federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. If federal law or regulations require the exemption of earned income in excess of the foregoing limitation, or require the exemption of other income or resources, the division of family services may provide by rule or regulation that the amount of income designated herein to be disregarded be increased up to the maximum extent required. Irregular, casual and unpredictable income received by a claimant shall be excluded in calculating income.

2. Benefits shall not be payable to any claimant who:

(1) (a) Has, or whose spouse with whom he is living has, encumbered, assigned, conveyed, or transferred real or personal property, of which he is the record or beneficial owner, or any interest therein of any value within five years preceding the date of the investigation without receiving fair and valuable consideration. The date of recording or filing of any instrument affecting property that is encumbered, assigned, conveyed or transferred by written instrument shall be considered as the date such encumbrance, assignment, conveyance or transfer occurred. "Fair and valuable consideration" as used herein means money or real or personal property received at the time of the transaction approximately equal to the value of the property encumbered, assigned, conveyed or transferred, and shall not for the purpose of this section be construed to include support, services, or other advancements made or to be made by a relative to a claimant. A payment of a loan to a relative may be recognized and eligibility not affected if the claimant can establish to the satisfaction of the division of family services that the loan was bona fide and the proceeds of the loan were used by the claimant for his or his dependent's support or benefit.

(b) Has made, or whose spouse with whom he is living has made, such encumbrance, assignment, conveyance or transfer shall be ineligible to receive benefits under this section for the number of months within five years from the date of the encumbrance, assignment, conveyance or transfer, as the amount of the encumbrance, or as the value of the property as determined by the division of family services, is divisible by the average monthly grant paid in the state at the time of the investigation to an individual under the program for which benefits are claimed; provided, that in the discretion of the division of family services a claimant may become eligible to receive benefits if the encumbrance is satisfied and released, or if the property assigned, conveyed, transferred, or property of equal value, is reconveyed or its equivalent value returned to the claimant; provided further, that no needy dependent child shall be deemed ineligible to receive benefits by reason of any encumbrance, assignment, conveyance or transfer made by a relative other than his parent.

(2) Has received, or whose spouse with whom he is living has received, benefits to which he was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible under this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper.

(3) Owns or possesses cash or securities in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or they, individually or jointly, may own cash or securities not to exceed two thousand dollars; and provided further, that in the case of an aid to dependent children claimant the provision of this subsection shall apply only to the cash and securities owned by the parent, and child or children in the home, who may own cash and securities of a total amount not to exceed one thousand five hundred dollars, and not to other relatives with whom the child may reside.

(4) Owns or possesses property of any kind or character, or has an interest in property, of which he is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty thousand five hundred dollars, or if married and actually living with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds said amount; provided, however, that in the case of an aid to dependent children claimant this limitation shall apply only to property owned by parent and child or children in the home and not to other relatives with whom the child may reside.

(5) Is an inmate of a public institution, except as a patient in a public medical institution; provided, benefits shall not be paid to a claimant under sixty-five years of age who is a patient in an institution for mental diseases or tuberculosis. In order to comply with federal laws and regulations and state plans in making payments to or on behalf of mentally ill individuals sixty-five years of age or over who are patients in a state mental institution, the division of family services shall require agreements or other arrangements with the institution to provide a framework for cooperation and to assure that state plan requirements and federal laws and regulations relating to such payments will be observed. In the event the federal laws or regulations will not permit approval of the state plan for benefit payments to or on behalf of an individual who is sixty-five years of age or over and is a patient in a state institution for mental diseases, this portion of this subsection shall be inoperative until approval of a state plan is obtained.

3. In determining eligibility and the amount of benefits to be granted under federally aided programs, the income and resources of a relative living in the home shall be taken into account only to the extent the income, resources, support and maintenance are available for the support of the claimant unless the relative is the claimant's spouse or minor child living in the home, or is the parent of a minor child for whom benefits are claimed.

4. In determining the total property owned under subdivision (4), of subsection 2, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he is living.

**Section 2. Effective date.**—This act shall become effective July 1, 1979.

Approved June 13, 1978.

[S. B. 492]

**PUBLIC HEALTH AND WELFARE: Public assistance.**

**AN ACT** to repeal section 208.152, RSMo Supp. 1977, section 208.030 of house bill no. 197 of the first regular session of the seventy-eighth general assembly as approved by the governor on June 20, 1975 and as printed in RSMo Supp. 1975, and section 208.030 of senate bill no. 99 of the first regular session of the seventy-eighth general assembly as approved by the governor on June 17, 1975 and as printed in RSMo Supp. 1975, relating to public assistance, and to enact in lieu thereof two new sections relating to the same subject, effective July 1, 1979.

**SECTION**

A. Enacting clause.  
208.030. Supplemental welfare assistance, eligibility for.

**SECTION**

208.152. Medical services for which payment will be made—reasonable cost, determination of — federal standards to be met.  
B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Section 208.152 RSMo Supp. 1977, section 208.030 of house bill no. 197 of the first regular session of the seventy-eighth general assembly as approved by the governor on June 20, 1975 and as printed in RSMo Supp. 1975, and section 208.030 of senate bill no. 99 of the first regular session of the seventy-eighth general assembly as approved by the governor on June 17, 1975 and as printed in RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof to be known as sections 208.030 and 208.152, to read as follows:

**208.030. Supplemental welfare assistance, eligibility for.**—1. The division of family services shall make monthly payments to each person who was a recipient of old age assistance, aid to the permanently and totally disabled, and aid to the blind and who:

(1) Received such assistance payments from the state of Missouri for the month of December, 1973, to which they were legally entitled; and

(2) Is a resident of Missouri.

2. The amount of supplemental payment made to persons who meet the eligibility requirements for and receive federal supplemental security income payments shall be in an amount, as established by rule and regulation of the division of family services, sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payments, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the Federal Social Security Act and any benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payment for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be in an amount which, when added to the federal supplemental security income payment, equal the amount of the blind pension grant as provided for in chapter 209, RSMo.

3. The amount of supplemental payment made to persons who do not meet

the eligibility requirements for federal supplemental security income benefits, but who do meet the December, 1973, eligibility standards for old age assistance, permanent and total disability and aid to the blind or less restrictive requirements as established by rule or regulation of the division of family services, shall be in an amount established by rule and regulation of the division of family services sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except in establishing the amount of the supplemental payment there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the Federal Social Security Act and any other benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payments for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be a blind pension payment as prescribed in chapter 209, RSMo.

4. The division of family services shall make monthly payments to persons meeting the eligibility standards for the aid to the blind program in effect December 31, 1973, who are bona fide residents of the state of Missouri. The payment shall be one hundred sixty dollars less any federal supplemental security income payment.

5. The division of family services shall make monthly payments to persons age twenty-one or over who meet the eligibility requirements in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the division of family services, who were receiving old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance lawfully, who are not eligible for nursing home care under the Title XIX program, and who reside in a licensed boarding home, licensed domiciliary or licensed practical or licensed professional nursing home in Missouri and whose total cash income is not sufficient to pay the amount charged by the nursing home; and to all applicants age twenty-one or over who are not eligible for nursing home care under the Title XIX program who are residing in a licensed boarding home, licensed domiciliary or licensed practical or licensed professional nursing home in Missouri, who make application after December 31, 1973, provided they meet the eligibility standards for old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the division of family services, who are bona fide residents of the state of Missouri, and whose total cash income is not sufficient to pay the amount charged by the nursing home. The amount of the total state payment for home care in licensed boarding home shall not exceed one hundred twenty dollars monthly, for practical care shall not exceed three hundred dollars monthly and for domiciliary care shall not exceed two hundred twenty-five dollars monthly.

**208.152. Medical services for which payment will be made—reasonable cost, determination of—federal standards to be met.**—Benefit payments for medical assistance may be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable costs of the care or reasonable charge for the services as defined and determined by the division of family services unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, including the first three pints of whole blood unless available to the patient from other sources, except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years; provided, that in the case of eligible persons who are provided benefits

under Title XVIII A, Public Law 89-97, 1965 amendments to the Federal Social Security Act (42 U.S.C.A. Section 301 et seq.), as amended, payment for the first ninety days during any spell of illness shall not exceed the cost of any deductibles imposed by such title, plus coinsurance after the first sixty days;

(2) Outpatient hospital services, including diagnostic services;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients eighteen years of age or over, except to persons in a skilled nursing facility who are under the age of twenty-one years and except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years, when residing in a hospital or nursing home licensed by the division of health or appropriate licensing authority of other states or government owned and operated institutions which are determined by the division of health to conform to standards equivalent to licensing requirements and Title XIX, Public Law 92-603, 1972 amendments to the Federal Social Security Act (42 U.S.C.A.), as amended, providing for skilled nursing facility standards and intermediate care facility standards; except that recipients who are mentally retarded or suffering from a related condition as specified by federal regulations and who are in an intermediate care facility may be of any age;

(5) Nursing home costs for recipients of benefit payments under subdivision (4) of this section for those days, which shall not exceed two per any calendar quarter, during which the recipient is on a temporary leave of absence from the hospital or nursing home; provided that, no such recipient shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a recipient is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Dental services;

(8) Drugs and medicines when prescribed by a licensed physician or dentist;

(9) Emergency ambulance services;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby;

(11) Home health care services for any individual age twenty-one or over;

(12) Optometric services as defined in section 336.010, RSMo;

(13) Family planning services as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are medically indicated;

(14) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids and wheel chairs.

**Section B. Effective date.**—This act shall become effective July 1, 1979.

Approved April 28, 1978.

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[S. B. 671]

**PUBLIC HEALTH AND WELFARE: Relating to benefit payments for medical assistance for eligible needy persons.**



AN ACT to repeal section 208.152, RSMo Supp. 1977, relating to benefit payments for medical assistance for eligible needy persons, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

1. Enacting clause.

## SECTION

208.152. Medical services for which payment will be made—reasonable cost, determination of — federal standards to be met.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 208.152, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof to be known as section 208.152, to read as follows:

**208.152. Medical services for which payment will be made—reasonable cost, determination of—federal standards to be met.**—Benefit payments for medical assistance may be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of family services unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, including the first three pints of whole blood unless available to the patient from other sources, except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years; provided, that in the case of eligible persons who are provided benefits under Title XVIII A, Public Law 89-97, 1965 amendments to the Federal Social Security Act (42 U.S.C.A. Sec. 301 et seq.), as amended, payment for the first ninety days during any spell of illness shall not exceed the cost of any deductibles imposed by such title, plus coinsurance after the first sixty days;

(2) Outpatient hospital services, including diagnostic services;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients eighteen years of age or over, except to persons in a skilled nursing facility who are under the age of twenty-one years and except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years, when residing in a hospital or nursing home licensed by the division of health or appropriate licensing authority of other states or government owned and operated institutions which are determined by the division of health to conform to standards equivalent to licensing requirements and Title XIX, Public Law 92-603, 1972 amendments to the Federal Social Security Act (42 U.S.C.A.), as amended, providing for skilled nursing facility standards and intermediate care facility standards; provided that total payment to a recipient in a practical nursing home shall not exceed two hundred dollars monthly, and total payment to a recipient in a domiciliary nursing home shall not exceed one hundred fifty dollars monthly; except that recipients who are mentally retarded or suffering from a related condition as specified by federal regulations and who are in an intermediate care facility may be of any age;

(5) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(6) Dental services;

(7) The services of podiatrists as defined in Section 330.010.2, RSMo;

(8) Drugs and medicines when prescribed by a licensed physician, dentist or podiatrist;

(9) Emergency ambulance services;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby;

(11) Home health care services for any individual who is eligible under this law to receive professional nursing home care;

(12) Optometric services as defined in section 336.010, RSMo;

(13) Family planning services as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are medically indicated;

(14) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids and wheel chairs.

Approved June 15, 1978.

[S. C. S. B. 505]

**PUBLIC HEALTH AND WELFARE: Benefit payments for medical assistance to eligible needy persons.**

AN ACT to repeal section 208.152 RSMo Supp. 1977, relating to benefit payments for medical assistance to eligible needy persons and to enact in lieu thereof three new sections, relating to the same subject, effective July 1, 1979.

**SECTION**

A. Enacting clause.

1. Medical services for which payment will be made.

**SECTION**

2. Reasonable cost, determination of—federal standards to be met.

3. Payments shall be prorated.

B. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Section 208.152, RSMo Supp. 1977, is repealed and two new sections enacted in lieu thereof, to be known as section 1, section 2 and section 3.

**Section 1. Medical services for which payment will be made.**—Benefit payments for medical assistance may be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of family services unless otherwise hereinafter provided. Such payments may be made for inpatient hospital services, including the first three pints of whole blood unless available to the patient from other sources, except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years; provided, that in the case of eligible persons who are provided benefits under Title XVIII A, Public Law 89-97, 1965 amendments to the Federal Social Security Act (42 U.S.C.A. §301 et seq.), as amended, payment for the first ninety days during any spell of illness shall not exceed the cost of any deductibles imposed by such title, plus coinsurance after the first sixty days.

**Section 2. Reasonable cost, determination of—federal standards to be met.**—Benefit payments for medical assistance shall be made on behalf of those eligible needy persons who are unable to provide it in whole or in part, such payments to be made in amounts which represent the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of family services of the department of social services, unless otherwise hereinafter provided, for the following:

(1) All outpatient hospital services, including diagnostic services, which are approved as being medically necessary by a hospital utilization review committee or by a professional standard review organization, payments therefor to be in amounts which represent no more than 80 percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1967 amendments to the Federal Social Security Act (42 U.S.C.A. Chapter 301 et seq.); but the division of family services shall evaluate outpatient hospital services rendered under this act, and deny payment for services which are determined by the division of family services not to be medically necessary, in accordance with federal law and regulations;

(2) Laboratory and X-ray services;

(3) Nursing home services for recipients eighteen years of age or over, except to persons in a skilled nursing facility who are under the age of twenty-one years and except to persons in an institution for mental diseases or tuberculosis who are under the age of sixty-five years, when residing in a hospital or nursing home licensed by the division of health or appropriate licensing authority of other states or government owned and operated institutions which are determined by the division of health to conform to standards equivalent to licensing requirements and Title XIX, Public Law 92-603, 1972 amendments to the Federal Social Security Act (42 U.S.C.A.), as amended, providing for skilled nursing facility standards and intermediate care facility standards; provided that total payment to a recipient in a practical nursing home shall not exceed two hundred dollars monthly, and total payment to a recipient in a domiciliary nursing home shall not exceed one hundred fifty dollars monthly; except that recipients who are mentally retarded or suffering from a related condition as specified by federal regulations and who are in an intermediate care facility may be of any age;

(4) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(5) Dental services;

(6) Drugs and medicines when prescribed by a licensed physician or dentist;

(7) Emergency ambulance services;

(8) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby;

(9) Home health care services for any individual who is eligible under this law to receive professional nursing home care;

(10) Optometric services as defined in section 336.010, RSMo;

(11) Family planning services as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are medically indicated;

(12) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids and wheel chairs.

**Section 3. Payments shall be prorated.**—Payments shall be prorated within the limits of the appropriation.

**Section B. Effective date.**—This act shall become effective July 1, 1979.

Approved June 14, 1978.

[H. B. 881]

**PUBLIC HEALTH AND WELFARE: Blind pension benefits.**

AN ACT to repeal section 209.040, RSMo Supp. 1976, relating to blind pension benefits, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

- 209.040. Vision test required, standard of vision—amount of payments, when eligible.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 209.040, RSMo Supp. 1976, is repealed and one new section enacted in lieu thereof, to be known as section 209.040, to read as follows:

**209.040. Vision test required, standard of vision—amount of payments, when eligible.**—1. No person shall be entitled to a pension under sections 209.010 to 209.160 who does not have vision with or without properly adjusted glasses, up to but not including five two-hundredths, or whose best visual field is five degrees as tested with five millimeter target on perimeter. No person shall be entitled to receive a pension except upon a scientific vision test supported by the certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department of social services to make such examination. Every person passing the vision test and having the other qualifications provided in section 209.010 to 209.160 shall be entitled to receive a monthly pension of one hundred sixty dollars; provided, however, that pensions to the blind as provided herein shall not be payable to a blind person unless such person has been declared ineligible to receive aid under the federal supplemental security income program; except that, pensions to the blind as provided herein shall not be payable to any person who is receiving general relief assistance.

2. If the funds at the disposal or which may be obtained by the department of social services for the payment of benefits under this section shall at any time become insufficient to pay the full amount of benefits to each person entitled thereto, the amount of benefits of each one of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.

3. Medical assistance for blind recipients shall be payable as provided in sections 208.151 through 208.153, RSMo, without regard to any durational residence requirement for eligibility.

Approved June 8, 1978.

[H. B. 972]

**PUBLIC HEALTH AND WELFARE: Termination of parental rights.**

AN ACT to repeal sections 211.441, 211.451, 211.461, 211.471, 211.481, 211.491, 211.501, and 211.511 RSMo 1969, relating to termination of parental rights and to enact in lieu thereof eleven new sections relating to the same subject.

**SECTION**

1. Enacting clause.
1. Parent defined.
2. Juvenile court may terminate parental rights, when—investigation to be made—consent, how given—neglected defined.
3. Petition for termination, contents.

**SECTION**

4. Hearing required—parties to be summoned—waiver.
5. Parents entitled to counsel, notice—county to pay court costs, exception.
6. Hearing, how conducted—immunity of witnesses—privileged communications.

## SECTION

7. Social investigation and report to court, contents—access to reports and evaluations.
8. Order of termination—powers of court.

## SECTION

9. Form of order, effect.
10. Application of sections 1 to 11.
11. Construction of sections 1 to 11.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Sections 211.441, 211.451, 211.461, 211.471, 211.481, 211.491, 211.501, and 211.511 RSMo 1969, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 to read as follows:

**Section 1. Parent defined.**—As used in this act "parent" means a biological parent or parents of a child, as well as the husband of a natural mother at the time the child was conceived, or a parent or parents of child by adoption, and includes both the mother and putative father of an illegitimate child. The father of an illegitimate child shall have no legal relationship unless he, prior to the entry of a decree under this act has acknowledged the child as his own by affirmatively asserting his paternity; provided however, that a parent whose identity is known and who can be personally served, shall be served by process as provided in Chapter 506 of the Revised Statutes of this state and made a party to any action under this act.

**Section 2. Juvenile court may terminate parental rights, when—investigation to be made—consent, how given—neglected defined.**—1. Any information that could justify the filing of a petition to terminate parental rights shall be referred to the juvenile officer. The juvenile officer shall make a preliminary inquiry and may file a petition to terminate parental rights. If it does not appear to the juvenile officer that a petition should be filed, he shall so notify the informant. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting to him the information in writing and, if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. The juvenile court may, upon a petition filed by the juvenile officer, terminate the rights of parent to a child if it finds that such termination is in the best interest of the child and one or more of the following conditions are found to exist:

(1) When the parent has consented in writing to the termination of his parental rights;

(2) When it appears by clear, cogent and convincing evidence that one or more of the following conditions exist:

(a) The parent has abandoned the child. The court may find that the parent has abandoned the child if, for a period of six months or longer for a child over one year old or a period of sixty days or longer for a child under one year of age at the time of the filing of the petition, either of the following has occurred:

a. The parent has left the child under such circumstances that the identity of the parent of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child;

b. The parent has, without good cause, left the child without any provision for support and without any communication or visitation from the parent. Evidence that the parent has acted to support, to communicate with or to visit the child during the period may be disregarded if such acts of the parent appears to have been merely a token effort.

(b) The parent has neglected, without good cause, the child for a period of

six months prior to the filing of the petition. The term "neglected" as used here is the failure of a parent to provide, on a continuing basis, the care, guidance and control necessary for the physical, mental, and educational well-being of a child; or the failure to provide a child who is in the legal or actual custody of others with a continuing relationship, such as, but not limited to, communication or visitation, and, to the extent the parent is financially able, the failure to provide for the child's care. In those circumstances where the child is not in the legal or actual custody of the parent, the person or agency having legal or actual custody of the child must show that an appropriate plan approved by the court has not been reasonably complied with by the parent or has been unsuccessful, and that the parents were notified of the court approved plan and had at least ten days in which to request a hearing on such plan. Token efforts by the parent shall not be sufficient to defeat a finding of neglect.

(c) The parent has committed, or knowingly permitted, an act of incest with the child, or other sexual molestation of the child;

(d) The parent has repeatedly or continuously abused the child by causing physical injury or mental injury to the child, or knowingly permitted such abuse by another.

(e) The parent has committed or knowingly permitted a single incident of life threatening or gravely disabling injury or disfigurement of the child or serious injury or death of a sibling due to parental abuse or willful and wanton neglect.

(f) The parent, who is both legally required and financially able has failed to support the child for a period of six months.

(g) The parent is so mentally deficient he is unable to form an intent or act knowingly, and has substantially and continuously or repeatedly neglected the child or failed to give the child necessary care and protection. The parents are unfit by reason of debauchery, habitual use of intoxicating or narcotic drugs or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the child.

(h) The child has come under the jurisdiction of the juvenile court pursuant to the provisions of paragraph 1, subdivisions (a), (b) or (c) of section 211.031, RSMo, and pursuant to an order of the court under section 211.181, RSMo, and thereafter:

a. The parent in custody of the child has willfully and intentionally inflicted or attempted to inflict further injury or cruel punishment upon the child, or has continued, without good cause, to refuse or neglect to provide the child with necessary food, clothing, shelter, medical care or education; or

b. The custody of the child has not been with his parents for six months or longer, or the child has been under the jurisdiction of the court for one year or longer, immediately prior to the filing of the petition to terminate, and the parent has failed, on a continuing basis, to rectify the conditions which formed the basis of the petition filed under section 211.031, RSMo, and the order entered under section 211.181, RSMo, and there is reasonable cause to believe that the parent will not, even if given more time, rectify those conditions on a continuing basis, and that the juvenile officer, division of family services or other agency, has used reasonable, diligent and continuing efforts to aid the parent to rectify the conditions, and provide on a continuing basis a proper home for the child.

3. The written consent as provided in subdivision (1) of subsection 2 of this section may be executed prior to or subsequent to the institution of the proceedings and shall be acknowledged as conveyances of real estate are required to

be acknowledged under the laws of this state or, in lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons whose signatures and addresses shall be plainly written thereon.

**Section 3. Petition for termination, contents.**—The petition for termination of parental rights shall be filed in the juvenile court which has prior jurisdiction over the child or, if no such prior jurisdiction exists, then the petition shall be filed where the child is, and shall include:

(1) The name, sex, date and place of birth, and residence of the child, if known after due and diligent search;

(2) If known after due and diligent search, the name, address and the date of birth of the parent;

(3) The name and address of the person holding legal or actual custody of the child, the guardian of the person of the child and the organization or agency holding legal or actual custody or providing care for the child;

(4) The reason or reasons why termination of the parental rights is sought.

**Section 4. Hearing required—parties to be summoned—waiver.**—1. Termination of parental rights shall be made only after a hearing before the juvenile court. A summons may be issued by the judge or clerk of the court requiring the person, agency or organization having custody or control of the child to appear with the child at the place and time stated in the summons. Persons who shall be summoned and receive a copy of the petition shall include the parent of the child, the guardian of the person of the child and the person, agency or organization having custody of the child. A summons shall be issued requiring the appearance of any other person whose presence the court deems necessary.

2. Service of summons shall be made as in other civil cases in the manner prescribed in section 506.150, RSMo. However, if service cannot be made as prescribed in section 506.150, RSMo, and it is not waived, then the service shall be made by mail or publication as provided in section 506.160 RSMo.

3. Any person required to receive summons may waive appearance or service of summons.

**Section 5. Parents entitled to counsel, notice—county to pay court costs, exception.**—1. As soon as practicable after the filing of a petition and prior to the hearing, the parent or guardian of the person of the child shall be notified of the right to have counsel, and if they request counsel and are financially unable to employ counsel, counsel shall be appointed by the court. Notice of this provision shall be contained in the summons. In all actions counsel shall be appointed for the child.

2. When the parent is a minor the court shall appoint a guardian ad litem to represent such minor parent.

3. The hearing shall be held as expeditiously as possible.

4. Court costs shall be paid by the county in which the proceeding is instituted, except that the court may require the agency or person having, or receiving, legal or actual custody to pay the costs.

**Section 6. Hearing, how conducted—immunity of witnesses—privileged communications.**—1. The juvenile officer, the child and any person served by summons in the case shall have the right to present evidence to the court, shall have the right and power to subpoena witnesses and may require any and all investigating family services agency personnel connected with the particular case to testify without privilege and subject to the rules of cross-examination. Such wit-

nesses shall receive as compensation the witness fee and mileage provided in civil cases.

2. Stenographic notes or an authorized recording of the hearing shall be required as in civil actions in the circuit court.

3. Any person, official or institution participating in good faith in the making of a report, the taking of photographs or the making of radiological examinations pursuant to sections 210.110 to 210.165, RSMo, or the removal or retention of a child pursuant to section 210.110 or 210.165, RSMo, shall have immunity from all civil liability which might arise by reason of such actions. All such persons, officials and institutions shall have the same immunity with respect to participation in any judicial proceeding resulting from a report made pursuant to sections 210.110 to 210.165, RSMo.

4. No legally recognized privileged communication, except that between priest or minister and parishioner and, attorney and client, shall constitute grounds for excluding evidence at any proceeding for the termination of parental rights.

**Section 7. Social investigation and report to court, contents—access to reports and evaluations.**—In all proceedings for termination of parental rights of a child, except those filed under subdivision (1) of subsection 2 of section 2, an investigation and social study shall be made by the juvenile officer, the state division of family services or other public or private agency authorized or licensed to care for children as directed by the court, and a written report shall be made to the court to aid the court in determining whether the termination is in the best interests of the child. It shall include such matters as the parental background, the fitness and capacity of the parents to discharge parental responsibilities, the child's home, present adjustment, physical, emotional and mental condition, and such other facts as are pertinent to the determination. Attorneys representing parties before the court shall have access to the written report. All ordered evaluations and reports shall be made available to the attorneys representing parties before the court at least fifteen days prior to the hearing.

**Section 8. Order of termination—powers of court.**—1. If after hearing the court finds that one or more of the conditions set out in section 2 of this act exists and the termination of the parental rights of the parent in and to the child is in the best interests of the child, it may terminate all rights of the parent with reference to the child.

2. If the court terminates the parental rights of all parents of the child, it may transfer legal custody of the child to a suitable person, the state division of family services or a licensed or an approved child welfare agency.

3. If only one parent consents or if the conditions specified in section 2 of this act are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.

**Section 9. Form of order, effect.**—An order of the court terminating parental rights shall be in writing and shall recite the jurisdictional facts, a factual finding of one or more of the conditions set out in section 2, and that the best interest of the child is served by terminating all parental rights of the parent. The order shall be conclusive and binding on all persons and in all proceedings after ninety days from the date of its entry. Said order shall be a final order for purposes of the right of appeal by any interested party thereto.

**Section 10. Application of sections 1 to 11.**—1. This act applies to all proceedings commenced on or after its effective date.



2. In any action for termination of parental rights pending prior to the effective date of this act, the law in effect at the time of the filing of the petition for termination of parental rights shall govern the hearing on such petition and any appeal therefrom.

**Section 11. Construction of sections 1 to 11.**—The provisions of this act shall be construed so as to promote the best interest and welfare of the child.

Approved June 13, 1978.

[H. C. S. H. B. 949 and 1266]

**PUBLIC HEALTH AND WELFARE: Missouri Commission on Human Rights.**

AN ACT to repeal sections 213.010, 213.030, 296.020, 296.030, 296.040, 296.070, 314.010, 314.030, 314.050, 314.060, RSMo 1969, and sections 213.100, 213.105, 213.110, 213.115, 213.120, 296.010, RSMo Supp. 1975 relating to complaints before the Missouri commission on human rights, and to enact in lieu thereof seventeen new sections relating to the same subject.

**SECTION**

1. Enacting clause.
- 213.010. Discrimination defined.
- 213.025. Commission members to receive per diem and expenses, when.
- 213.030. Powers and duties of commission.
- 213.100. Definitions.
- 213.105. Prohibited acts.
- 213.110. Lending agencies, prohibited acts.
- 213.115. Refusal to accept as member in real estate sales organization prohibited.
- 213.120. Complaint, who may file, when—investigation—duties of director and chairman—hearings, conduct of powers of commission—appeals.
- 296.010. Definitions.
- 296.020. Unlawful employment practices defined—exceptions.

**SECTION**

- 296.030. Powers and duties of human rights commission.
- 296.040. Complaint of unlawful practice, procedure on—investigation—duties of director and chairman—hearings, conduct of—powers of commission—appeals—rules of practice.
- 296.070. Construction of law.
- 314.010. All persons entitled to full use of public accommodations.
- 314.030. Unlawful discriminatory practices—exceptions.
- 314.050. Powers and duties of commission.
- 314.060. Complaint of unlawful practice, procedure on—investigation—duties of director and chairman—hearings, conduct of—powers of commission—appeals—rules of practice.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 213.010, 213.030, 296.020, 296.030, 296.040, 296.070, 314.010, 314.030, 314.050 and 314.060 RSMo 1969, and sections 213.100, 213.105, 213.110, 213.115, 213.120, and 296.010 RSMo Supp. 1975 are repealed, and seventeen new sections enacted in lieu thereof, to be known as sections 213.010, 213.025, 213.030, 213.100, 213.105, 213.110, 213.115, 213.120, 296.010, 296.020, 296.030, 296.040, 296.070, 314.010, 314.030, 314.050, 314.060, to read as follows:

**213.010. Discrimination defined.**—As used in this chapter "discrimination" shall mean any unfair treatment based on race, national origin, ancestry, sex or handicap.

**213.025. Commission members to receive per diem and expenses, when.**—The provisions of section 213.020 relating to the members of the commission on human rights serving without compensation to the contrary notwithstanding, whenever any member of the commission serves as a member of a panel to hear complaints involving alleged discriminatory practices under sections 213.120, 296.040 or 314.060, RSMo, he shall receive as compensation for such duty the sum of fifty dollars for each day he actually serves on such panel and shall be reimbursed for his reasonable and necessary expenses actually incurred in the performance of his duties on the panel.

**213.030. Powers and duties of commission.**—The powers and duties of the commission shall be:

(1) To cooperate with other organizations, private and public, to discourage discrimination;

(2) To conduct research projects or make studies into and publish reports on discrimination in Missouri;

(3) To receive and investigate complaints of discrimination and to recommend ways of eliminating any injustice occasioned thereby;

(4) To make an annual report to the governor and general assembly of its activities under this chapter;

(5) To employ an executive director and other necessary personnel within the limits of funds made available;

(6) To encourage fair treatment for all persons regardless of race, national origin, ancestry, sex or handicap;

(7) To hold public hearings and request the attendance of witnesses.

**213.100. Definitions.**—As used in Section 213.100 to 213.130, the following terms mean:

(1) "Commission" means the Missouri commission on human rights;

(2) "Discriminatory housing practice" means an act that is unlawful under Section 213.105, 213.110, or 213.115;

(3) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(4) "Family" includes a single individual;

(5) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries;

(6) "Rent" includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

(7) "Handicap" means a physical or mental impairment resulting in a disability unrelated to a person's ability to acquire, rent or maintain property.

**213.105. Prohibited acts.**—It shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of a dwelling to any person because of race, color, religion, national origin, ancestry, sex, or handicap. If other bona fide offers to rent or buy have been made, the owner, lessor, or his agent may accept such offers without violating Sections 213.100 to 213.130;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, or handicap;

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex or handicap, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, creed, color, religion, national origin, ancestry, sex, or handicap, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, or handicap.

**213.110. Lending agencies, prohibited acts.**—It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, or handicap to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, creed, color, religion, national origin, ancestry, sex, or handicap, of such person or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

**213.115. Refusal to accept as member in real estate sales organization prohibited.**—It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, or participation, on account of race, creed, color, religion, national origin, ancestry, sex, or handicap.

**213.120. Complaint, who may file, when—investigation—duties of director and chairman—hearings, conduct of powers of commission—appeals.**—1. Any person who claims to have been injured by a discriminatory housing practice or who believes that an irrevocable injury is about to occur to that person by a discriminatory housing practice that is about to occur may make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the discriminatory housing practice complained of, and which shall set forth in particulars thereof and contain such other information as may be required by the commission. The complainant's agent or attorney or the attorney general may, in like manner, make, sign, and file such complaint.

2. After the filing of any complaint, the executive director shall make, with the assistance of the commission's staff, prompt investigation in connection therewith, and if the director determines after such investigation that probable cause exists for crediting the allegations of the complaint, the director shall immediately endeavor to eliminate the discriminatory housing practice complained of by conference, conciliation and persuasion, and shall report the results to the commission. The investigation, determination of probable cause and conciliation shall be conducted according to such rules, regulations and guidelines as the commission shall prescribe. The members of the commission and its staff shall not disclose the contents of the report or what has occurred in the course of such endeavors.

3. In case of failure to eliminate such practice, the chairman of the commission, if circumstances so warrant in the chairman's judgment, shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaints as it may have been amended, requiring the

person named in the complaint, hereinafter referred to as "respondent", to answer the charges of such complaint at a hearing before a panel of at least three commissioners, sitting as the commission for purposes of that hearing only, or before a hearing examiner, licensed to practice law in this state, appointed by the director and approved by the commission. The notice shall specify the time and place for the hearing. The place of any such hearing shall be at the office of the commission or such other place designated by it; provided, however, that if the respondent shall so request in writing, such hearing shall be held in the county of the respondent's residence or business location.

4. The case in support of the complaint shall be presented before the hearing examiner or panel by the office of the attorney general of the state of Missouri. Neither the hearing examiner nor the panel shall have participated in the investigation of the complaint, and the endeavors at conciliation shall not be received in evidence.

5. The respondent may file a written verified answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony. At the discretion of the hearing examiner or the panel of commissioners, the complainant may be allowed to intervene and present testimony in person or by counsel. The complainant or the Commission shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend any answer. The testimony taken at the hearing shall be under oath and be transcribed.

6. The hearing shall be conducted in the manner provided by chapter 536, RSMo. When the case is heard by a panel of the commission, the panel shall state its findings of fact and conclusions of law, and if, upon the evidence at the hearings, the panel shall find that a respondent has engaged in any discriminatory housing practice as defined by this chapter, the panel shall issue an order requiring the respondent to cease and desist from such discriminatory housing practice, requiring such other affirmative action, as in its judgment will effectuate the purposes of this chapter, including an award of actual damages and a requirement for report of the manner of compliance. If upon all the evidence the panel shall find that a respondent has not engaged in any such discriminatory housing practice, the panel shall state its findings of fact and shall recommend to the commission an order dismissing the complaint as to the respondent.

7. When the case is heard by a hearing examiner, the examiner shall have all powers described in subdivision (8) of section 296.030, for the purpose of the hearing. The hearing examiner shall make findings of fact and conclusions of law and shall recommend to the commission an order granting such relief as provided in subsection 6 of this section or dismissing the complaint as the respondent in accordance with the findings.

8. A panel of at least three members of the commission, sitting as the commission, shall review the record, findings and recommended order of the hearing examiner. The panel shall thereafter accept, reject or amend the recommended order which shall become the order of the commission. All orders shall be served on the complainant and respondent, and copies shall be delivered to the attorney general and such other public officers as the commission deems proper.

9. Any person aggrieved by an order of the commission may appeal as provided in chapter 536, RSMo.

10. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within one hundred eighty days after the alleged act of discrimination.

**296.010. Definitions.**—When used in this chapter the term:

- (1) "Commission" means the Missouri commission on human rights;
- (2) "Employer" includes the state, or any political or civil subdivision thereof, or any person employing six or more persons within the state, and any person acting in the interest of an employer, directly, but does not include corporations and associations owned and operated by religious or sectarian groups;
- (3) "Employment agency" includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any person acting in the interest of such a person;
- (4) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment;
- (5) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or other organized groups of persons;
- (6) "Handicap" means a physical or mental impairment resulting in a disability unrelated to a person's ability to perform the duties of a particular job or position for which he would otherwise be eligible and qualified for employment or promotion.

**296.020. Unlawful employment practices defined—exception.**—1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, creed, color, religion, national origin, sex, ancestry, or handicap of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, creed, color, religion, national origin, sex, ancestry, or handicap;

(b) To limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, creed, color, religion, national origin, sex, ancestry, or handicap;

(2) For a labor organization to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, creed, color, religion, national origin, sex, ancestry, or handicap of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, creed, color, religion, national origin, sex, ancestry, or handicap; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, creed, color, religion, national origin, sex, ancestry, or handicap in admission to, or employment in, any program established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation,

specification, or discrimination, because of race, creed, color, religion, national origin, sex, ancestry or handicap unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, creed, color, religion, national origin, sex, ancestry, or handicap, or to classify or refer for employment any individual on the basis of his race, creed, color, religion, national origin, sex, ancestry, or handicap;

(4) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden under this law or because he has filed a complaint, testified, or assisted in any proceeding under this chapter;

(5) For any person, whether an employer or an employee, or not, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this chapter, or to attempt to do so.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, creed, color, religion, sex, national origin, ancestry, or handicap, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results thereof, is not designed, intended or used to discriminate because of race, creed, color, religion, national origin, sex, ancestry, or handicap;

3. Nothing contained herein shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, creed, color, religion, national origin, sex, ancestry, or handicap of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, creed, color, religion, national origin, sex, ancestry, or handicap employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, creed, color, religion, national origin, sex, ancestry, or handicap in any community, state, section, or other area, or in the available work force in any community, state, section, or other area;

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice because of sex to differentiate in employment compensation, terms, conditions or privileges of employment between male and female employees if such differences are otherwise required or permitted by the laws of this state, or by the provisions of section 703 of the federal Civil Rights Act of 1964, as amended, or by the provisions of section 6(d) of the federal Fair Labor Standards Act of 1938, as amended; nor shall it be an unlawful employment practice because of sex for an employer, pursuant to a pension, retirement, profit sharing, welfare or death benefit plan, to provide for the retirement of female employees at a younger age than male employees or to provide differences in annuity, death and survivors benefits between widows and widowers of employees.

**296.030. Powers and duties of human rights commission.**—The commission shall have the following functions, powers and duties:

(1) To seek to eliminate and prevent discrimination in employment because of race, creed, color, religion, national origin, sex, ancestry, or handicap by employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, creed, color, religion, national origin, sex, ancestry, or handicap as herein provided; and the commission is hereby given general jurisdiction and power for such purposes;

(2) To effectuate the purposes of this chapter first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered;

(3) To formulate policies to effectuate the purposes of this chapter and to make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) To appoint such employees and agents as it may deem necessary, fix their compensation within the appropriations provided, and prescribe their duties;

(5) To obtain upon request and utilize the services of all governmental departments and agencies;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination in employment because of race, creed, color, religion, national origin, sex, ancestry, or handicap;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission;

(9) To issue publications and the results of studies and research which will tend to promote good will and minimize or eliminate discrimination in employment because of race, creed, color, religion, national origin, sex, ancestry, or handicap;

(10) To render each year to the governor and to the legislature a full written report of all its activities and of its recommendations;

(11) To adopt an official seal.

**296.040. Complaint of unlawful practice, procedure on—investigation—duties of director and chairman—hearings, conduct of—powers of commission—appeals—rules of practice.**—1. Any person claiming to be aggrieved by an unlawful employment practice may make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The complainant's agent or attorney or the attorney general may, in like manner, make, sign, and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this law, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

2. After the filing of any complaint, the executive director of the commission shall make, with the assistance of the commission's staff prompt investigation in connection therewith; and if the director determines after such investigation that probable cause exists for crediting the allegations of the complaint, the director

shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion, and shall report his findings to the commission. The investigation, determination of probable cause and conciliation shall be conducted according to such rules, regulations and guidelines as the commission shall prescribe. The members of the commission and its staff shall not disclose the contents of the report or what has occurred in the course of such endeavors.

3. In case of failure to eliminate such practice, the chairman of the commission, if in his judgment circumstances so warrant, shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization, or employment agency named in such complaint, hereinafter referred to as "respondent", to answer the charges of such complaint at a hearing before a panel of at least three members of the commission sitting as the commission, or before a hearing examiner, licensed to practice law in this state, who shall be appointed by the director and approved by the commission at a time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it; provided, however, that if the person complained against shall so request in writing, such hearing shall be held in the county of such person's residence or business location.

4. The case in support of the complaint shall be presented before the hearing examiner or the panel by the office of the attorney general of the state of Missouri; neither the hearing examiner or any member of the commission panel shall participate in the investigation and the aforesaid endeavors at conciliation shall not be received in evidence.

5. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. At the discretion of the hearing examiner or the panel, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The testimony taken at the hearing shall be under oath and be transcribed.

6. The hearing shall be conducted in the manner provided in chapter 536, RSMo.

7. When the case is heard by a panel of the commission, the panel shall state its findings of fact and conclusions of law, and if, upon all the evidence at the hearing the panel finds that a respondent has engaged in any unlawful employment practice as defined by this chapter, the panel shall issue and cause to be served on such respondent an order requiring the respondent to cease and desist from such unlawful employment practice and to take affirmative action to require hiring, reinstatement or upgrading or restoration to membership in any respondent labor organization with or without back pay, as in its judgment will effectuate the purposes of this chapter, and including a requirement for report of the manner of compliance. If upon all the evidence the panel finds that a respondent has not engaged in any such unlawful employment practice the panel shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

8. When the case is heard by a hearing examiner, the examiner shall have all powers provided in subdivision (8) of section 296.030, for the purpose of the hearing. The hearing examiner shall make findings of fact and conclusions of law and



shall recommend to the commission an order granting such relief as specified in subsection 7 of this section, or dismissing the complaint as to the respondent in accordance with such findings.

9. A panel of at least three members of the commission, sitting as the commission, shall review the record, findings and recommended order of the hearing examiner. The panel shall thereafter accept, reject or amend the recommended order which shall become the order of the commission. All orders shall be served on the complainant and on the respondent, and copies shall be delivered to the attorney general and such other public officer as the commission deems proper.

10. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within one hundred and eighty days after the alleged act of discrimination.

11. Any person aggrieved by a decision of the commission may appeal as provided in chapter 536, RSMo.

**296.070. Construction of law.**—The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provision hereof shall not apply. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, creed, color, religion, national origin, sex, ancestry, or handicap.

**314.010. All persons entitled to full use of public accommodations.**—1. All persons within the jurisdiction of the state of Missouri are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, creed, color, religion, national origin, sex, ancestry, or handicap.

2. "Handicap" means a physical or mental impairment resulting in a disability unrelated to a person's ability to utilize the existing public accommodation.

**314.030. Unlawful discriminatory practices—exceptions.**—1. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in sections 314.010 to 314.080, or to segregate or discriminate against any such person in the use thereof on the grounds of race, creed, color, religion, national origin, sex, ancestry, or handicap. However, it shall not be an unlawful discriminatory practice for any place of public accommodation owned by or operated on behalf of a religious corporation, association or society to give preference in the use of such place to members of their own religious faith.

2. It is an unlawful discriminatory practice to aid, abet, incite, compel or coerce the doing of any acts prohibited by sections 314.010 to 314.080, or to attempt to do so; or for any person to retaliate or discriminate in any manner against any other person because he has opposed any practice prohibited by sections 314.010 to 314.080 or because he has testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to sections 314.010 to 314.080.

**314.050. Powers and duties of commission.**—The Missouri commission on human rights has the following functions, powers and duties in the enforcement of the rights and privileges secured by sections 314.010 to 314.080:

(1) To seek to eliminate and prevent discrimination in places of public accommodation because of race, creed, color, religion, national origin, sex, ancestry or handicap, and the commission is hereby given general jurisdiction and power for such purposes;

(2) To effectuate the purposes of sections 314.010 to 314.080 first by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

(3) To formulate policies to effectuate the purposes of sections 314.010 to 314.080 and to make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes;

(4) To appoint such employees and agents as it may deem necessary, fix their compensation within the appropriations provided, and prescribe their duties;

(5) To obtain upon request and to utilize the services of all governmental departments and agencies;

(6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith;

(7) To receive, investigate, initiate, and pass upon complaints alleging discrimination because of race, creed, color, religion, national origin, sex, ancestry or handicap;

(8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission;

(9) To issue publications and the results of studies and research which will tend to promote goodwill and minimize or eliminate discrimination because of race, creed, color, religion, national origin, sex, ancestry or handicap.

**314.060. Complaint of unlawful practice, procedure on—investigation—duties of director and chairman—hearings, conduct of—powers of commission—appeals—rules of practice.**—1. Any person claiming to be aggrieved by an unlawful discriminatory practice may make, sign and file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The attorney general may, in like manner, make, sign and file such complaint.

2. After the filing of any complaint, the executive director shall make, with the assistance of the commission's staff, prompt investigation in connection therewith, and if the director determines after the investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion, and shall report the results to the commission. The investigation, determination of probable cause and conciliation shall be conducted according to such rules, regulations and guidelines as the commission shall prescribe. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors.

3. In case of failure to eliminate such practice, or in advance thereof, the chairman of the commission, if in his judgment circumstances so warrant, shall cause to be issued and served in the name of the commission, a written notice, together with a copy of the complaint, as it may have been amended, requiring the person named in the complaint, hereinafter referred to as "respondent", to answer the charges of the complaint at a hearing before a panel of at least three

members of the commission, sitting as the commission or before a hearing examiner licensed to practice law in this state and appointed by the director and approved by the commission, at a time and place to be specified in the notice. The place of the hearing shall be in the office of the commission or such other place designated by it, except that if the person complained against requests, in writing, the hearing shall be held in the county of such person's residence or business location.

4. The case in support of the complaint shall be presented before the panel or the hearing examiner by the office of the attorney general. Neither the hearing examiner nor any member of the panel shall have participated in the investigation of the complaint. Evidence concerning endeavors at conciliation shall be excluded.

5. The respondent may file a written verified answer to the complaint and appear at the hearing in person or otherwise with or without counsel, and submit testimony and compel the appearance of witnesses and records in his behalf. At the discretion of the hearing examiner or the panel, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission has the power reasonably and fairly to amend any complaint and the respondent has like power to amend any answer. The testimony taken at the hearing shall be under oath and be transcribed.

6. The hearing shall be conducted in the manner provided by chapter 536, RSMo.

7. When the case is heard by a panel of the commission, the panel shall state its findings of fact and conclusions of law, and if, upon all the evidence at the hearing, the panel finds that a respondent has engaged in an unlawful discriminatory practice as defined in this chapter, the commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice and to take such affirmative action, including but not limited to, the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as, in the judgment of the commission, will effectuate the purposes of this chapter, including an award of actual damages and a requirement for a report of the manner of compliance.

8. If, upon all the evidence, the panel finds that a respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

9. When the case is heard by a hearing examiner, the examiner shall have all powers described in subdivision (8) of section 314.050, for the purpose of the hearing. The hearing examiner shall make findings of fact and conclusions of law and shall recommend to the commission an order granting such relief as provided in subsection 7 of this section or dismissing the complaint as to the respondent in accordance with such findings.

10. A panel of at least three members of the commission, sitting as the commission shall review the record, findings and recommended order of the hearing examiner. The panel shall thereafter accept, reject or amend the recommended order which shall become the order of the commission. All orders shall be served on the complainant and respondent, and copies shall be delivered to the attorney general and such other public officers as the commission deems proper.

11. Any person aggrieved by an order of the commission may appeal as provided in chapter 536, RSMo.

12. The commission shall establish rules of practice to govern, expedite and

effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination.

13. The commission shall establish, rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination.

Approved June 13, 1978.

[H. B. 1785]

#### **ROADS AND WATERWAYS: Private roads.**

AN ACT to repeal section 228.340, RSMo 1969, relating to private roads in the state of Missouri, and to enact in lieu thereof one new section relating to the same subject.

##### **SECTION**

1. Enacting clause.

##### **SECTION**

- 228.340. Establishment of private road—petition—commission appointed.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 228.340, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 228.340, to read as follows:

**228.340. Establishment of private road—petition—commission appointed.**—If any person of this state shall file a verified petition in the circuit court of the proper county, setting forth that he or she is the owner of a tract or lot of land in such county, or in an adjoining county in this state, and that no public road passes through or alongside said tract or lot of land, and asking for the establishment of a private road from his or her premises, to connect at some convenient point with some public road of the county, or with any road of the state highway system within the county, in which the proceedings are had, and shall describe the place where said road is desired, and the width desired, not exceeding forty feet and alleging that the private road sought to be established is a way of strict necessity; and if the court shall find that the allegations in said petition are true, it shall appoint three disinterested citizens who are resident householders of the county as commissioners to view the premises and to mark out the road, and to assess the damages to the owner or owners of the land through which it will pass. Any number of persons similarly situated may join in such petition; provided, however, that the proceedings shall always be had in the county in which the premises are situated over which said proposed road is to pass.

Approved May 29, 1978.

[S. C. S. H. B. 1624]

#### **ROADS AND WATERWAYS: Rate of levy imposed by street light districts.**

AN ACT to repeal section 235.170, RSMo 1969, relating to rate of levy imposed by street light districts and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

##### **SECTION**

1. Enacting clause.
- 235.170. Board to fix rate of taxation.

##### **SECTION**

2. Increase of tax rate—election—form of ballot—maximum rate.
- A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 235.170, RSMo 1969 is repealed and two new sections enacted in lieu thereof, to be known as sections 235.170 and 2, to read as follows:

**235.170. Board to fix rate of taxation.**—To levy and collect taxes as provided in section 235.160, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and the costs of the district, which rate of levy shall not exceed twenty cents on the one hundred dollars assessed valuation.

**Section 2. Increase of tax rate—election—form of ballot—maximum rate.**—  
1. Before the board of directors of any street light maintenance district may increase the district's current tax levy, the proposed increase must be approved by a majority of the voters voting thereon.

2. The proposition to increase the tax levy may be submitted by the board of directors or upon petition of five hundred registered voters of the district. All propositions to increase the tax levy shall be submitted at the next election permitted by section 115.123, RSMo. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... street light maintenance district be authorized to increase the current tax levy of ..... cents per one hundred dollars assessed valuation to ..... cents per one hundred dollars assessed valuation to provide funds for the support of the district?

☐ YES

☐ NO

(If you are in favor of the tax levy, place an X in the box opposite "Yes". If you are opposed to the tax levy, place an X in the box opposite "No".)

If a majority of the qualified voters casting votes thereon be in favor of the increased tax levy, the board of directors shall raise the tax levy to the level approved by the voters. If a majority of the voters casting votes thereon do not vote in favor of the increased tax levy, any levy previously authorized shall remain in effect.

3. No street light maintenance district shall fix a rate of levy which exceeds the maximum tax levy authorized by section 235.170 of this act.

**Section A. Emergency clause.**—Because some of the street light districts of this state are in a severe financial situation which will require serious curtailment of services to the people without the authorization to submit a higher tax rate to its qualified voters contained in this act, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 31, 1978.

[H. B. 1599]

**LANDS, LEVEES, DRAINAGE AND PUBLIC WATER SUPPLY: Drainage and levee districts.**

AN ACT relating to certain drainage and levee districts, with an emergency clause.

## SECTION

1. Extension of time of corporate existence.

## SECTION

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Extension of time of corporate existence.**—Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to the effective date of this act, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after the effective date of this act.

**Section A. Emergency clause.**—Because there is a serious and urgent need to establish the procedures provided for in this act, and because such procedures may be necessary for certain drainage and levee districts to qualify for federal aid or grants, and because the receipt of such aid or grants will be beneficial to a large number of residents of this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved March 9, 1978.

[H. B. 1244]

**CONSERVATION, RESOURCES AND DEVELOPMENT: Director of Department of Natural Resources to convey lands to City of O'Fallon.**

AN ACT to authorize the Director of the Missouri Department of Natural Resources to convey certain lands to the City of O'Fallon, a municipal corporation of St. Charles County, Missouri.

## SECTION

1. Director of Department of Natural Resources authorized to convey lands to City of O'Fallon—description.
2. Reversionary clause.

## SECTION

3. Director to provide park maintenance and operations, when.
4. Attorney General to approve instrument of conveyance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Director of Department of Natural Resources authorized to convey lands to City of O'Fallon—description.**—Subject to the restrictions set forth in Section 2, below, the Director of the Department of Natural Resources is hereby authorized and empowered to give, donate, grant and convey to the City of O'Fallon, Missouri, a municipal corporation, title to certain lands, and buildings and other appurtenances located thereon, situated in St. Charles County, Missouri, presently known and operated as Fort Zumwalt State Park, the land being more particularly described as:

A parcel of land lying in the East half (E ½) of the Southwest Quarter (SW ¼) of Section 29, Township 47, Range 3 East, St. Charles County, State of Missouri, being more particularly described as follows:

Beginning at a common corner of above described land and U.S. Survey

55, in the East half ( $E\frac{1}{2}$ ) of the Southwest Quarter of Section 29, Township 47 North, Range 3 East, thence South 8 degrees 17' West along fence line to fence a distance of 234', thence along said fence South 84 degrees 13' East a distance of 96' to a fence corner, thence South 3 degrees 07' West along fence a distance of 217' to a fence corner, thence South 45 degrees 03' East a distance of 585' to a fence corner, thence North 8 degrees 17' East along fence a distance of 783' to a fence corner at the Northwest corner of Lot #3 of Darius Heald's Estate Lands, thence North 82 degrees 07' West along fence a distance of 574' to a point of beginning a total of 7.14 acres, more or less; also

A tract of land containing 33.05 acres, situated in U.S. Survey No. 55, Township 47 North, Range 3 East, in St. Charles County, Missouri, being a part of the subdivision of Darius Heald's Estate Lands, described as follows: Beginning at the Northwest corner of Lot No. 3, South 83 degrees East ( $S\ 83^{\circ}\ E$ ) 900 feet, thence South 7 degrees 30 minutes West ( $S\ 7^{\circ}\ 30'\ W$ ) 1600 feet, thence North 83 degrees West ( $N\ 83^{\circ}\ W$ ) 900 feet, thence North 7 degrees 30 minutes East ( $N\ 7^{\circ}\ 30'\ E$ ) 1600', to point of beginning.

Also a tract of land containing 7.58 acres situated in the fractional  $E\ \frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 29, Township 47, Range 3 East in St. Charles County, Missouri, described as follows: Beginning at an iron pipe at the corner of U.S. Survey No. 55 in the East fractional  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 29, thence South 83 degrees East 555' more or less to the Northwest corner of Lot No. 3 of the subdivision of Darius Heald's Estate Lands, thence North 7 degrees 30' East 415' more or less to the right of way line of Highway No. 40, thence along the South line of said right of way to where it intersects with the East line of U.S. Survey No. 55, thence South 8 degrees 13' West more or less, 771' more or less to place of beginning; also

A parcel of land lying in the South half ( $S\ \frac{1}{2}$ ) of Section 29, Township 47 North, Range 3 East, St. Charles County, State of Missouri, being more particularly described as follows:

Beginning at a common corner of above described land and U.S. Survey 55, in the East half ( $E\ \frac{1}{2}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 29, Township 47 North, Range 3 East, thence South 82 degrees 07' East along north line of U.S. Survey 55 a distance of 574' to the Northwest corner of Lot #3 of Darius Heald's Estate Lands, thence North 7 degrees 30' East a distance of 429' to the South right of way line of U.S. Highway No. 40 a distance of 676' to the intersection with the East line of U.S. Survey #55, thence South 8 degrees 13' West a distance of 783' to the point of beginning, containing 7.99 acres.

**Section 2. Reversionary clause.**—The conveyance shall be made by quitclaim deed and shall contain a reversion clause providing that in the event the City of O'Fallon shall cease to use or operate the land for public park purposes or shall attempt to convey title to said property to any third party, for public park purposes or otherwise, that title to said property shall immediately revert to and vest in the Director of the Department of Natural Resources.

**Section 3. Director to provide park maintenance and operations, when.**—The Director is further authorized and empowered, on conveyance, to provide the City of O'Fallon with park maintenance and operations services on the conveyed land for a period not to exceed one year from the date of conveyance.

**Section 4. Attorney General to approve instrument of conveyance.**—The instrument of conveyance shall be approved by the attorney general.

Approved June 1, 1978.

[H. B. 1569]

**CONSERVATION, RESOURCES AND DEVELOPMENT:** Director of Department of Natural Resources to grant lease of lands to City of Osage Beach.

**AN ACT** to authorize the director of the department of natural resources to grant a lease of certain lands in the Lake of the Ozarks state park to the city of Osage Beach.

**SECTION**

1. Director of Natural Resources may lease lands to City of Osage Beach—description.

**SECTION**

2. Lease term, consideration—additional provisions.
3. Attorney General to approve instrument of conveyance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Director of Natural Resources may lease lands to City of Osage Beach—description.**—The director of the department of natural resources may lease to the city of Osage Beach certain lands of the department of natural resources situate in Miller County, Missouri, and consisting of a portion of the Lake of the Ozarks state park, for use for recreational and related purposes and the construction, operation, repair and maintenance of ball diamonds, tennis courts, basketball courts and other related facilities. The land to be leased is more particularly described as follows:

The East ½ of Lot 1 of the Northwest Quarter of Section 5, Township 39 North, Range 15 West, North and West of a strip of land sixty feet wide, conveyed to the State of Missouri, for State Highway purposes, by deed dated November 9, 1933, recorded in Right-of-Way Record No. 3, Page 68, of the records of Miller County, Missouri.

Subject to the right granted to the State of Missouri by deed dated November 9, 1933, recorded in Right-of-Way Record No. 3, at Page 68, of the records of Miller County, Missouri, to construct and maintain a drainage ditch over a strip of land ten feet in width and fifteen feet in length, in said deed described.

**Section 2. Lease term, consideration—additional provisions.**—The director may lease the land for a period of not more than twenty-five years for the consideration of one dollar, the lessee to have the option to renew the lease for a like period for a like consideration. The lease may contain any additional provisions the department of natural resources considers appropriate, and shall include provisions that all improvements made by the lessee shall become appurtenant to and remain upon the land upon termination of the lease.

**Section 3. Attorney General to approve instrument of conveyance.**—The attorney general shall approve the instruments by which the lease is granted.

Approved June 7, 1978.

[S. B. 683]

**AGRICULTURE AND ANIMALS: Missouri Apiculture Law.**

**AN ACT** to repeal sections 264.010, 264.020, 264.030, 264.040, 264.050 and 264.060, RSMo 1969, relating to apiaries, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

**SECTION**

- A. Enacting clause.
1. Title of law.
2. Definitions.

**SECTION**

3. Inspectors, qualifications.
4. Inspections, fee—notice—entry—review.



## SECTION

5. Results of inspections—quarantine—eradication.
6. Movement permit required, when—issuance—fee.
7. Revocation of movement permit, procedure.

## SECTION

8. Hearings on refusals or revocations, procedure.
9. Right of entry.
10. Penalties.
11. Expiration of rules and rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section A. Enacting clause.**—Sections 264.010, 264.020, 264.030, 264.040, 264.050 and 264.060, RSMo, 1969 are repealed and eleven new sections enacted in lieu thereof, to be known as sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, to read as follows:

**Section 1. Title of law.**—This act shall be known and may be cited as the "Missouri Apiculture Law".

**Section 2. Definitions.**—As used in this act, unless the context clearly requires otherwise, the following terms mean:

(1) "Apiary", any place or location where one or more colonies or nuclei of bees are kept;

(2) "Authorized official", the state official authorized to inspect apiaries in the state of origin of bees being transported into the state of Missouri;

(3) "Bees", any stage of the common honey bee, *Apis mellifera*, or other bees kept for the production of honey or wax;

(4) "Beekeeper", any individual, person, firm, association or corporation owning, possessing or controlling one or more colonies of bees for the production of honey, beeswax or by-products thereof, or for the pollination of crops for either personal or commercial use;

(5) "Beekeeping equipment", all hives, supers, frames or other devices used in the rearing or manipulation of bees, their brood, honey or containers thereof which may be or may have been used in any apiary;

(6) "Colony", the bees inhabiting a single hive or other dwelling place;

(7) "Director", the director of the state department of Agriculture;

(8) "Disease", American or European foulbrood and any other infectious, contagious or communicable disease affecting bees or their brood;

(9) "Eradicate", the complete destruction of infected bees and equipment by burning or treatment approved by the state entomologist;

(10) "Hive", any domicile with removable frames for keeping bees;

(11) "Inspector", a person appointed by the director to check for diseased conditions in one or more apiaries as authorized by this law.

**Section 3. Inspectors, qualifications.**—Every person appointed by the director as an apiary inspector shall be a practical beekeeper. Before his appointment he shall furnish the director with satisfactory evidence that he possesses a practical knowledge of beekeeping and is familiar with the diagnosis and treatment of bee diseases or that he is a graduate of an agricultural college with qualifying training in apiculture.

**Section 4. Inspections, fee—notice—entry—review.**—1. Inspection of bees for bee diseases or other pests shall be made by the director or an authorized inspector upon the request of any beekeeper, directed to the office of the director, for inspection of bees owned or managed by that beekeeper. A fee shall be charged which is sufficient to cover the cost of the inspection plus the mileage of the inspector at the rate then authorized by the commissioner of administration for re-

imbursement of expenses of state employees. Fees shall be paid by the owner of the bees at the time of inspection and are not contingent upon certification.

2. The director, by request or suspicion of disease, may inspect or cause to be inspected any apiary or hive. For purposes of inspection, and only when the director has probable cause to believe that the bees of the owner to be inspected are diseased, the director or any authorized inspector shall, after written notice to the owner stating the reasons for such inspection, have free access to all apiaries, buildings or places where bees or beekeeping equipment are kept or stored, and shall have authority to open and examine all beekeeping equipment wherein such bees or honey are kept and stored. Once written notice of inspection has been given to an owner as provided in this subsection, that owner shall not move any of his hive or hives or bees or bee equipment from the time he receives such notice until either 21 days thereafter or until the time he receives the results of the inspection, whichever occurs first. Any bees kept in anything other than a hive with removable frames such as box hives or other receptacles, natural or artificial, shall be deemed impossible to properly inspect, unless owner of said bees removes the brood or makes accessible for the director or his inspectors to inspect such brood. If the owner refuses or fails to remove the brood or make it accessible for inspection by the director or his inspectors, the director may order the colonies to be transferred to removable frame hives within six months. In the event the order is not carried out, the colonies in other than removable frame hives may be destroyed by the director or his inspectors. No fee will be charged for nonrequested inspection and no certificate will be issued for this type of inspection.

3. Any owner receiving a notice of inspection pursuant to subsection 2 of this section may seek to enjoin such inspection in the circuit court for the county where said bees are located.

**Section 5. Results of inspections—quarantine—eradication.—1.** If, by reason of any owner requested inspection, the director is satisfied that no apparent disease exists in any colony in an apiary he shall issue to the owner thereof a certificate of health setting out therein the date of the inspection, the number of colonies therein and the results of the inspection.

2. If, by reason of any inspection, the director is satisfied of the existence of any disease he shall notify the beekeeper owning the apiary, in writing, of the results of the inspection, setting out the number and location of infected colonies and informing him of the proper methods of treating the infected colonies. Any apiary infected with any contagious infectious bee disease may be declared under quarantine and the owner thereof shall be prohibited from moving such apiary, bees, honey, wax or used beekeeping equipment. The owner shall thereafter eliminate the diseased condition within the apiary or equipment, or both, to the satisfaction of the director. The quarantine will then be lifted. If, by the time of the next inspection, which will be no more than six months after the initial inspection, the diseased condition has not been eliminated the director shall supervise the eradication of the diseased bees and equipment, or shall otherwise eliminate the diseased condition and lift the quarantine on any remaining bees.

**Section 6. Movement permit required, when—issuance—fee.—1.** It is unlawful to move, carry, transport or ship bees, combs or used beekeeping equipment into the state of Missouri unless accompanied by a valid permit issued by the director of the department of agriculture. Applications for permit to transport bees or used beekeeping equipment into the state shall be submitted on a form approved by the director. This application form must be accompanied by a certificate of

health, issued by the authorized official of the state from which the bees are to be moved, certifying that the bees and used beekeeping equipment have been inspected by an approved inspector, during a period of active brood rearing, within ninety days prior to the proposed date of movement, and that such bees and used beekeeping equipment were found apparently free from any disease. Each application shall disclose the number of colonies of bees to be transported and a description of the location or locations where said bees are to be kept. Upon receipt of an application for a permit to move bees or used beekeeping equipment into the state, accompanied by a proper certificate of health and an application fee of five dollars per application, the director shall issue the desired permit.

2. Regardless of the above provisions of this section, the director shall have the authority to issue a permit to the person or persons owning such bees and equipment if he is satisfied that such bees and equipment were certified and moved from the state of Missouri within ninety days prior to the desired date of reentry.

3. A verbal authorization may be allowed by the Missouri director if the written permit outlined above has been requested but has not been received by the time that the bees are to be moved.

4. Combless packages of bees or queens, or both, are admitted into Missouri, without a Missouri permit, when accompanied by a valid certificate of inspection from the state of origin.

**Section 7. Revocation of movement permit, procedure.**—Any permit for movement of bees or used beekeeping equipment into the state, or any health certificate, may be revoked for cause by the director. Notice of such revocation shall be in writing and shall be mailed, by certified mail, to the last known address of the holder of the permit or certificate.

**Section 8. Hearings on refusals or revocations, procedure.**—Any person who is refused any permit or certificate of health, or who has had any permit or certificate revoked, may request a hearing before the director of agriculture. The request must be made in writing no later than thirty days after the date on which such person was notified of the denial or revocation of a permit or certificate of health.

**Section 9. Right of entry.**—The director, his assistants or inspectors, shall have the right of entry for the performance of his official duties upon any premises where bees are kept only when the director, his assistants or inspectors, has probable cause to believe that the bees located on such premises are diseased.

**Section 10. Penalties.**—Any person violating the provisions of section 6 of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than one year, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and confinement.

**Section 11. Expiration of rules and rulemaking authority.**—Any rule promulgated under this act shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

Approved May 30, 1978.

[H. B. 1816]

**AGRICULTURE AND ANIMALS: Control of certain diseased animals.**

AN ACT to repeal sections 267.170, 267.180, 267.190, 267.200, 267.210, 267.220, 267.230, 267.240, 267.250, 267.360, 267.370, 267.380, 267.390, 267.400, 267.410, 267.420, 267.430, 267.440 and 267.460, RSMo 1969, relating to control of certain diseased animals, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions and an emergency clause.

**SECTION**

1. Enacting clause.
- 267.170. Indemnification — appraisal — payment.
- 267.210. Disposition of condemned cattle.
- 267.220. Reactor animals may be retained, procedure.
- 267.230. Interference with veterinarian or violation of rules—penalty.
- 267.240. Governor—approval and enforcement of quarantine regulations.

**SECTION**

- 267.250. Enforcement of rules, regulations —notification to county court—sheriff to assist.
- 267.380. State veterinarian may enter to conduct tests—owner to cooperate.
- 267.400. Veterinarian to make and enforce regulations.
- 267.430. Diseased animals—sale or running at large prohibited.
  - A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 267.170, 267.180, 267.190, 267.200, 267.210, 267.220, 267.230, 267.240, 267.250, 267.360, 267.370, 267.380, 267.390, 267.400, 267.410, 267.420, 267.430, 267.440 and 267.460 RSMo 1969 are repealed and nine new sections enacted in lieu thereof, to be known as sections 267.170, 267.210, 267.220, 267.230, 267.240, 267.250, 267.380, 267.400 and 267.430, to read as follows:

**267.170. Indemnification—appraisal—payment.**—1. The department of agriculture may pay, within the limit of its appropriation, an indemnity in the manner and in the amounts herein set forth to the owner of cattle who carries on an approved tuberculosis control program in his herd. The indemnity shall reimburse the owner for a part of the loss suffered by him in disposing of the cattle exposed to, infected with or reacting to a test for tuberculosis.

2. The value of any cattle on which an indemnity is sought by the owner shall not exceed an amount recognized by the state veterinarian and the owner as just compensation in relation to current market conditions, breeding value and other criteria of valuation for the animal destroyed. Each animal destroyed shall be identified separately on the appraisal form. Proper appraisal forms shall be completed and one copy each shall be sent to the department retained by the duly authorized agent and retained by the owner.

3. Any cattle on which an indemnity is sought shall be kept in isolation and within fifteen days of identification or branding shall be sold for slaughter. A report of the net proceeds, being the total amount received less expense of transportation commissions and other expenses of the sale, derived from the sale of the infected or reactor cattle shall be delivered by the owner to the department. The department shall determine the owner's loss by deducting the amount of the net proceeds so derived by the sale of the cattle for slaughter from the appraised value.

4. The indemnity to be paid by the department shall be an amount determined by the state veterinarian but shall not exceed the breeding value of the animal. The department shall certify to the state commissioner of administration the amount to be paid by the department. This amount constitutes a legal claim against the state within the limits of available appropriations, and the commissioner of administration shall approve the same and cause the same to be paid by issuing his warrant on the state treasurer therefor in payment to the owner.

5. Indemnity for animals slaughtered as reactors or as infected cattle shall only be paid to the owner provided. If he cooperates with the department as requested by the state veterinarian or his agent, in carrying out recommended practices in eradicating the disease from his animals. No indemnity shall be paid if the state veterinarian determines the animal does not qualify for indemnity or the owner is ineligible for payments.

**267.210. Disposition of condemned cattle.**—After cattle, in quarantine on account of tuberculosis, under sections 267.010 to 267.460, have been duly appraised, said condemned cattle may, at the discretion of the state veterinarian, be shipped by their owner, under the supervision of the state veterinarian, by legal permit, to any slaughtering plant which is provided with state or federal meat inspection service, to be slaughtered and disposed of under the rules of meat inspection. Before shipment, however, each animal shall be branded, tagged or marked in such way as to make its identity certain. Such animals must be kept separate from all healthy animals and be sold as tuberculosis cattle for immediate slaughter.

**267.220. Reactor animals may be retained, procedure.**—Notwithstanding any provision in section 267.170 to 267.410, the department shall allow and permit the owner of any animal found to be a reactor to retain the animal in quarantine and use the animal for breeding purposes in his own herd if necessary or desirable in order to preserve valuable breeding cattle; but, the permission shall not be granted if the state veterinarian determines that the eradication program would be adversely affected and permission shall not be granted unless the United States Department of Agriculture agrees that tuberculosis status will not be affected. The reactor animal may not be sold, transferred or moved except on a special permit issued by the department.

**267.230. Interference with veterinarian or violation of rules—penalty.**—Any person or persons who shall in any way interfere with or obstruct said state veterinarian in the discharge of his duties, or any owner or owners, person or persons who shall be notified to quarantine the same as provided in sections 267.010 to 267.460 and who shall violate any of the provisions thereof, or any person or persons who shall violate any of the provisions of the chapter regarding district or municipality quarantine, shall be guilty of a misdemeanor, and punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not less than one month nor more than one year.

**267.240. Governor—approval and enforcement of quarantine regulations.**—  
1. The governor of Missouri may, in his discretion, order said state veterinarian to visit any state or territory and investigate any dangerous or infectious disease said to exist in any designated locality in the state named and report to the governor the result of said investigation, together with such suggestions that he may deem proper and right.

2. On receipt of such report, or any official report of the state veterinarian, the governor may call the director of agriculture and the state veterinarian together, and said director and said state veterinarian may, if deemed wise, arrange and adjust such rules and regulations as safety may demand for the transportation of livestock through or into this state from any state or territory, or any foreign country or parts thereof, where dangerous, contagious or infectious diseases may exist.

3. The governor, on the approval of such rules and regulations, shall issue

his proclamation, scheduling and quarantining against such localities in which domestic animals may be considered as capable of conveying infectious, contagious or communicable diseases and prohibit the importation and the unloading in this state of any livestock of the kind capable of causing such disease, except under the aforesaid rules and regulations.

4. Such rules and regulations, after approval by the governor, shall be sent to all corporations or other agencies doing the business of transportation or conveying livestock through or into the state of Missouri; and any corporation or agency or individuals who shall violate such rules and regulations by transporting prohibited animals shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than a thousand dollars nor more than ten thousand dollars for each and every offense, and shall be liable for any and all damages or loss that may be sustained by any party or parties by reason of such importation or transportation; provided, that in no case shall such corporations or agencies or individual be liable for any damages resulting from the shipping of stock into this state which has been inspected by the proper authorities and a certificate of health as to same having been given by said authorities. Such penalty shall be recovered in any county in this state into or through which such stock is brought upon information filed in the circuit court of any such county.

**267.250. Enforcement of rules, regulations—notification to county court—sheriff to assist.—**1. The governor, when informed by the state veterinarian that contagious or infectious livestock disease has become largely disseminated or epidemic among domestic animals throughout any municipality or geographical district in this state, or is found to exist in any herd or herds in this state, may call the director of agriculture and the state veterinarian together, and said director and said veterinarian shall, if deemed necessary to eradicate or prevent the spread of such disease, formulate for the state veterinarian and the county courts rules and regulations under which stock capable of carrying said diseases, or any of them, shall be permitted to move to other parts of the state; such rules and regulations shall be subject to the approval of the governor, who thereupon shall issue his proclamation scheduling and quarantining such localities, and forbidding the carrying or transportation or moving of all domestic animals of the kind diseased from such municipalities or district or county to another, or from one premises to another, or over any public highway or any lot or ground not sufficiently fenced to prevent animals from going through or from being brought into such infected districts, municipalities or counties except in accordance with the aforesaid rules and regulations.

2. The county court or other legally substituted court of the county in which such infected locality or district shall have been quarantined by the governor, shall be notified by the state veterinarian, and furnished with copies of said regulations. Said county court shall thereupon comply with said rules and regulations, and issue order to the sheriff to assist said state veterinarian in carrying out the provisions of the same.

**267.380. State veterinarian may enter to conduct tests—owner to cooperate.—**

1. The state veterinarian and any inspector or person authorized by said state veterinarian, or by him appointed, to assist in the work of applying the tubercular test provided for under sections 267.010 to 267.460, may enter any barn or barns, yard, pasture or other building or enclosure where cattle may be kept or found, for the purpose of making inspection and applying said tuberculin test in conformance with uniform methods and rules of the United States Department of Agriculture.

2. Any owner or custodian of any domestic animal or animals by said state veterinarian required or found necessary to be inspected, examined or tested, by his order, for the purpose of determining the presence or absence of disease in or upon said animal or animals shall have the right and authority to confine and otherwise restrain, as far as possible, said animals in such manner and at such times as may be prescribed and directed by the state veterinarian.

3. In the event of the failure of such owner or custodian for any reason to confine or otherwise restrain such animal or animals, it shall be the duty of the state veterinarian or his deputy or assistants to certify such refusal to the acting sheriff of the county wherein such animal or animals are found, and following such notice to the sheriff of said county it shall be his duty to forthwith cause such animal or animals to be so confined or otherwise restrained in order that the state veterinarian or his assistants may apply the necessary tests or make such examination as may be necessary to determine the presence or absence of the disease for which the animal or animals are to be inspected.

**267.400. Veterinarian to make and enforce regulations.**—The state veterinarian shall have power and authority to make and enforce such regulations as may be necessary to control and prevent the spread of tuberculosis among animals in such county and for the creation and maintenance of such county as a modified accredited area to the extent and so that the same shall conform with the rules and regulations promulgated by the Secretary of the Department of Agriculture of the United States to the end that such county may be recognized and adopted by the United States Department of Agriculture as a modified accredited area; provided further, that the state veterinarian shall have authority in his discretion to quarantine or cause to be quarantined the animal or animals in custody of or owned by any person who refuses to cooperate with the state veterinarian in the eradication and control of tuberculosis or any other contagious or infectious disease which is being attempted to be controlled or eradicated in such county, and that no offspring or product of such animal or animals under quarantine shall be disposed of by said custodian or owner without written permission of the state veterinarian.

**267.430. Diseased animals—sale or running at large prohibited.**—A person shall not sell or offer for sale, or run at large on any common or unfenced lands in this state, any livestock affected with a serious external parasitic infestation or any infectious or contagious disease whatsoever; provided, that this section shall not be so construed as to prohibit the movement of such infected animals under conditions prescribed by the state veterinarian for the purpose of segregation or quarantine, or for immediate slaughter under state or federal inspection.

**Section A. Emergency clause.**—Because immediate action is necessary to grant relief to the owners of cattle in this state who have serious financial loss due to state tuberculosis reactor and exposed cattle programs, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 10, 1978.

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[Revision S. B. 748]

**AGRICULTURE AND ANIMALS: Reciprocal licensing of pesticide applicators.**

AN ACT to repeal section 281.075, RSMo Supp. 1975, relating to reciprocal licensing of pesticide applicators, and to enact in lieu thereof one new section relating to the same subject.

## SECTION

1. Enacting clause.

## SECTION

- 281.075. Reciprocal licensing authorized, when—agent to be designated by nonresidents.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. Enacting clause.—Section 281.075, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 281.075, to read as follows:

281.075. Reciprocal licensing authorized, when—agent to be designated by nonresidents.—1. The director may issue a license or certification on a reciprocal basis with other states without examination to a nonresident who is licensed or certified in another state substantially in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility must be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

2. Any nonresident applying for any license under sections 281.035, 281.037 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of the state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.

Approved May 3, 1978.

[S. S. C. S. H. B. 1260]

### LABOR AND INDUSTRIAL RELATIONS: Workmen's compensation.

AN ACT to repeal section 287.615, RSMo Supp. 1971, sections 287.030, 287.050, 287.070, 287.080, 287.090, 287.120, 287.141, 287.160, 287.170, 287.180, 287.190, 287.200, RSMo Supp. 1975, section 287.240, RSMo Supp. 1976 and section 287.020, RSMo Supp. 1977 relating to workmen's compensation and the administration thereof and to enact in lieu thereof thirteen new sections relating to the same subject.

## SECTION

1. Enacting clause.
- 287.020. Definitions.
- 287.030. Employer defined.
- 287.090. Exempt employers and occupations—election to accept—withdrawal—notification required of insurance companies.
- 287.120. Liability of employer set out—compensation increased or reduced, when.
- 287.141. Physical rehabilitation, defined, Division of Workmen's Compensation to administer—procedure.
- 287.160. Waiting period—compensation, when paid, how computed.
- 287.170. Temporary total disability, amount to be paid.

## SECTION

- 287.180. Temporary partial disability, amount to be paid.
- 287.190. Permanent partial disability, amount to be paid—permanent partial disability defined.
- 287.200. Permanent total disability, amount to be paid—suspension of payments, when.
- 287.240. Death payments—burial expenses, amount, to whom paid and when paid—dependent defined—death benefits, how distributed—record of dependents, employer to keep.
2. Dismissal of claims, when, how, effect.
- 287.615. Employees of division—compensation—qualifications.



*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 287.615, RSMo Supp. 1971, sections 287.030, 287.050, 287.070, 287.080, 287.090, 287.120, 287.141, 287.160, 287.170, 287.180, 287.190, 287.200, RSMo Supp. 1975, section 287.240, RSMo Supp. 1976 and section 287.020, RSMo Supp. 1977 are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 287.020, 287.030, 287.090, 287.120, 287.141, 287.160, 287.170, 287.180, 287.190, 287.200, 287.240, 287.615 and section 2, to read as follows:

**287.020. Definitions.**—1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter.

2. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly and violently, with or without human fault and producing at the time objective symptoms of an injury.

3. The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the workman is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of such employment", it is hereby declared not to cover workmen except while engaged in or about the premises where their duties are being performed, or where their services require their presence as a part of such service.

6. A person who is employed by the same employer for more than five and one-half consecutive work days shall for the purpose of this chapter be considered an employee.

7. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

8. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the division of insurance of the state of Missouri or such agency of government as shall exercise

the powers and duties now conferred and imposed upon the division of insurance of the state of Missouri.

9. The term "division" as used in this chapter means the division of workmen's compensation of the department of labor and industrial relations of the state of Missouri.

**287.030. Employer defined.**—1. The word "employer" as used in this chapter shall be construed to mean:

(1) Every person, partnership, association, corporation, trustee, receiver, the legal representatives of a deceased employer, and every other person, including any person or corporation operating a railroad and any public service corporation, using the service of another for pay;

(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi corporation, or cities under special charter, or under the commission form of government;

(3) Any of the above defined employers having five or more employees.

2. Any reference to the employer shall also include his insurer.

**287.090. Exempt employers and occupations—election to accept—withdrawal—notification required of insurance companies.**—1. Chapter 287 shall not apply to employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household.

2. Any employer in this section exempted under subsection 1 of this section may bring himself within the provisions of this chapter by filing with the division notice of his election to accept the provisions, or by the purchasing and accepting by the employer of a valid compensation insurance policy, and the election by the purchase and acceptance of the insurance policy shall include the exempted employments described in subsection 1 if such intent is shown by the terms of the policy. The election shall take effect and continue from the date of filing with the division by the employer of his election to accept liability under this chapter, or from the effective date of the insurance policy. Any employer electing to become liable under this chapter may withdraw his election by filing with the division a notice that he desires to withdraw his election, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workmen's compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010 RSMo, but said members and officers of the corporation may be covered under a policy of workmen's compensation insurance if approved by a resolution of the board of directors.

**287.120. Liability of employer set out—compensation increased or reduced, when.**—1. Every employer subject to the provisions of this chapter shall be liable, irrespective of negligence, to furnish compensation under the provisions of this chapter for personal injury or death of the employee by accident arising out of and in the course of his employment, and shall be released from all other liability therefor whatsoever, whether to the employee or any other person. The

term "accident" as used in this section shall include, but not be limited to, injury or death of the employee caused by the unprovoked violence or assault against the employee by any person.

2. The rights and remedies herein granted to an employee shall exclude all other rights and remedies of the employee, his wife, her husband, parents, personal representatives, dependent, heirs or next kin, at common law or otherwise, on account of such accidental injury or death, except such rights and remedies as are not provided for by this chapter.

3. No compensation shall be allowed under this chapter for the injury or death due to the employee's intentional self-inflicted injury, but the burden of proof of intentional self-inflicted injury shall be on the employer or the person contesting the claim for allowance.

4. Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased fifteen percent.

5. Where the injury is caused by the willful failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, which rule has been kept posted in a conspicuous place on the employer's premises, the compensation and death benefit provided for herein shall be reduced fifteen percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a diligent effort to cause his employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

**287.141. Physical rehabilitation, defined, Division of Workmen's Compensation to administer—procedure.**—1. The purpose of this section is to restore the injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied workman by physical rehabilitation. The provisions of this act relating to physical rehabilitation shall be under the control of and administered by the director of the division of workmen's compensation. The division of workmen's compensation shall make such rules and regulations as may be necessary to carry out the purposes of this section, subject to the approval of the labor and industrial relations commission of Missouri.

2. The division of workmen's compensation shall continuously study the problems of physical rehabilitation and shall investigate all rehabilitation facilities, both private and public, and upon such investigation shall approve as qualified all such facilities, institutions and physicians as are capable of rendering competent physical rehabilitation service for seriously injured industrial workers. Rehabilitation facilities shall include medical, surgical, hospital and physical restoration services. No facility or institution shall be considered as qualified unless it is equipped to provide physical rehabilitation services for persons suffering either from some specialized type of disability or general type of disability within the field of industrial injury, and unless such facility or institution is operated under the supervision of a physician qualified to render physical rehabilitation service and is staffed with trained and qualified personnel and has received a certificate of qualification from the division of workmen's compensation. No physician shall be considered as qualified unless he has had the experience prescribed by the division.

3. In any case of serious injury involving disability following the period of rendition of medical aid as provided by subsection 1 of section 287.140, where

physical rehabilitation is necessary if the employer or insurer shall offer such physical rehabilitation to the injured employee and such physical rehabilitation is accepted by the employee, then in such case the director of the division of workmen's compensation shall be immediately notified thereof and thereupon enter his approval to such effect, and the director of the division of workmen's compensation shall requisition the payment of thirty-five dollars per week benefit from the second injury fund in the state treasury to be paid to the employee while he is actually being rehabilitated, and shall immediately notify the state treasurer thereof by furnishing him with a copy of his order. But in no case shall the period of physical rehabilitation extend beyond twenty weeks except in unusual cases and then only by a special order of the division of workmen's compensation for such additional period as the division may authorize.

4. In all cases where physical rehabilitation is offered and accepted or ordered by the division the employer or insurer shall have the right to select any physician, facility, or institution that has been found qualified by the division of workmen's compensation as above set forth.

5. If the parties disagree as to such physical rehabilitation treatment, where such treatment appears necessary, then either the employee, the employer, or insurer may file a request with the division of workmen's compensation for an order for physical rehabilitation and the director of the division shall hear the parties within ten days after the filing of the request. The director of the division shall forthwith notify the parties of the time and place of the hearing, and the hearing shall be held at a place to be designated at the discretion of the division. The director of the division may conduct such hearing or he may direct one of the referees to conduct same. Such hearing shall be informal in all respects. The director of the division shall, after considering all evidence at such hearing, within ten days make his order in said matter, either denying such request or ordering the employer or insurer within a reasonable time, to furnish physical rehabilitation, and ordering the employee to accept the same, at the expense of the employer or insurer. When the order requires physical rehabilitation, it shall also include an order to requisition the payment of thirty-five dollars per week out of the second injury fund in the state treasury to the injured employee during such time as such employee is actually receiving physical rehabilitation.

6. In every case where physical rehabilitation shall be ordered, the director of the division may, in his discretion, order the employer or insurer to furnish transportation to the injured employee to such rehabilitation facility or institution.

7. The employer or insurer shall be entitled to credit for compensation paid to the injured employee during the period of physical rehabilitation except for payments made out of the second injury fund, and for liability under subsection 1 of section 287.140.

8. As used in this section, the term "physical rehabilitation" shall be deemed to include medical, surgical and hospital treatment in the same respect as required to be furnished under subsection 1 of section 287.140.

9. An appeal from any order of the division of workmen's compensation hereby created to the circuit court may be taken and governed in all respects in the same manner as appeals in workmen's compensation cases generally under section 287.490.

**287.160. Waiting period—compensation, when paid, how computed.—**1. Except as provided in section 287.140, no compensation shall be payable for the first three days or less of disability unless the disability shall last longer than four weeks.

2. Compensation shall be payable as the wages were paid prior to the injury, but in any event at least once every two weeks. Each installment shall bear inter-

est at the rate of six percent per annum from the date when due until paid. Compensation shall be payable on the basis of sixty-six and two-thirds percent of the average earnings of the employee computed in accordance with the rules given in section 287.250, but in no case shall the compensation exceed one hundred fifteen dollars per week.

3. The employer shall be entitled to credit for wages paid the employee after the injury, and for any sum paid to or for the employee or his dependents on account of the injury, except for liability under section 287.140.

**287.170. Temporary total disability, amount to be paid.**—For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability, but not less than sixteen dollars nor more than one hundred fifteen dollars per week, with full wages if the average earnings amount to less than sixteen dollars a week.

**287.180. Temporary partial disability, amount to be paid.**—For temporary partial disability compensation shall be paid during such disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent of the difference between the average earnings prior to the accident and the amount the employee, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employee to compete in an open labor market, not to exceed, however, one hundred fifteen dollars per week.

**287.190. Permanent partial disability, amount to be paid—permanent partial disability defined.**—1. For permanent partial disability, in lieu of all other compensation, except that provided in sections 287.140 and 287.141, the employer shall pay to the employee sixty-six and two-thirds percent of his average earnings as computed in accordance with section 287.250 but not less than sixteen dollars nor more than ninety dollars per week for the periods in the schedule of losses as set out in items (1) through (29) of this section, which compensation shall be allowed for loss by severance, total loss of use, or proportionate loss of use of one or more of the members mentioned in the schedule of losses. In addition to the compensation in this section provided for all permanent partial disabilities, whether scheduled or unscheduled, the employer shall pay to the employee for a healing period, a period of not to exceed forty weeks of that compensation allowed for temporary total disability under section 287.170. The healing period shall end at any time within the forty weeks that the employee is able to return to and remain in any employment. The total healing period allowed for all injuries arising out of one accident shall be no more than forty weeks. The employers shall be entitled to credit against any permanent partial disability, with respect to any amounts paid in excess of the forty week healing period.

#### SCHEDULE OF LOSSES

	Weeks
(1) Loss of arm at shoulder .....	232
(2) Loss of arm between shoulder and elbow .....	222
(3) Loss of arm at elbow joint .....	210
(4) Loss of arm between elbow and wrist .....	200
(5) Loss of hand at the wrist joint .....	175
(6) Loss of thumb at proximal joint .....	60
(7) Loss of thumb at distal joint .....	45
(8) Loss of index finger at proximal joint .....	45
(9) Loss of index finger at second joint .....	35

	Weeks
(10) Loss of index finger at distal joint .....	30
(11) Loss of either the middle or ring finger at the proximal joint .....	35
(12) Loss of either the middle or ring finger at second joint .....	30
(13) Loss of either the middle or ring finger at the distal joint .....	26
(14) Loss of little finger at proximal joint .....	22
(15) Loss of little finger at second joint .....	20
(16) Loss of little finger at distal joint .....	16
(17) Loss of one leg at the hip joint or so near thereto as to preclude the use of artificial limb .....	207
(18) Loss of one leg at or above the knee, where the stump remains sufficient to permit the use of artificial limb .....	160
(19) Loss of one leg at or above ankle and below knee joint .....	155
(20) Loss of one foot in tarsus .....	150
(21) Loss of one foot in metatarsus .....	110
(22) Loss of great toe of one foot at proximal joint .....	40
(23) Loss of great toe of one foot at distal joint .....	22
(24) Loss of any other toe at proximal joint .....	14
(25) Loss of any other toe at second joint .....	10
(26) Loss of any other toe at distal joint .....	8
(27) Complete deafness of both ears .....	168
(28) Complete deafness of one ear, the other being normal .....	44
(29) Complete loss of the sight of one eye .....	140

2. If the disability suffered in any of items (1) through (29) of the schedule of losses is total by reason of severance or complete loss of use thereof the number of weeks of compensation allowed in the schedule for such disability shall be increased by ten percent.

3. For permanent injuries other than those specified in the schedule of losses, the compensation shall be paid for such periods as are proportionate to the relation which the other injury bears to the injuries above specified, but no period shall exceed four hundred weeks, at the rates fixed in subsection 1. The other injuries shall include permanent injuries causing a loss of earning power. For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe or phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe or phalange, as provided in the schedule of losses.

4. If an employee is seriously mutilated or permanently disfigured about the normally exposed parts of the body, the division or the commission may allow such additional sum for the compensation on account thereof as it may deem just, based upon the handicap suffered by the injured employee in obtaining employment but the sum shall not exceed two thousand dollars.

5. "Permanent partial disability" means a disability that is permanent in nature and partial in degree, and when payment therefor has been made in accordance with a settlement approved either by a referee or by the labor and industrial relations commission, a rating approved by a referee or legal adviser, or an award

by a referee or the commission, the percentage of disability shall be conclusively presumed to continue undiminished whenever a subsequent injury to the same member or the same part of the body also results in permanent partial disability for which compensation under this chapter may be due; provided, however, the presumption shall apply only to compensable injuries which may occur after the passage of this section.

**287.200. Permanent total disability, amount to be paid—suspension of payments, when.—**1. Compensation for permanent total disability shall be paid during the continuance of such disability for the lifetime of the employee on the basis of sixty-six and two-thirds percent of the average earnings of the employee, or as provided in section 287.160, computed in accordance with the rules given in section 287.250 but in no case shall the compensation exceed one hundred fifteen dollars per week.

2. All claims for permanent total disability shall be determined in accordance with the facts. When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation, the employee is restored to his regular work or its equivalent, the life payment mentioned in subsection 1 shall be suspended during the time in which the employee is restored to his regular work or its equivalent. The employer in the division shall keep the file open in the case during the lifetime of any injured employee who has received an award of permanent total disability. In any case where the life payment is suspended under this subsection, the commission may at reasonable times review the case and either the employee or the employer may request an informal conference with the commission relative to the resumption of the employee's weekly life payment in the case.

**287.240. Death payments—burial expenses, amount, to whom paid and when paid—dependent defined—death benefits, how distributed—record of dependents, employer to keep.—**If the injury causes death, either with or without disability, the compensation therefor shall be as provided in this section:

(1) In all cases the employer shall pay direct to the persons furnishing the same the reasonable expense of the burial of the deceased employee not exceeding two thousand dollars. But no person shall be entitled to compensation for the burial expenses of a deceased employee unless he has furnished the same by authority of the widow or widower, the nearest relative of the deceased employee in the county of his death, his personal representative, or the employer, who shall have the right to give the authority in the order named. All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the division or the commission and shall be limited to such as are fair and reasonable for similar service to persons of a like standard of living. The division or the commission shall also have jurisdiction to hear and determine all disputes as to the charges. If the deceased employee leaves no dependents the death benefit in this subdivision provided shall be the limit of the liability of the employer under this chapter on account of the death, except as herein provided for burial expenses and except as provided in section 287.140; provided, that in all cases when the employer admits or does not deny liability for the burial expense, it shall be paid within thirty days after written notice, that the service has been rendered, has been delivered to the employer. The notice may be sent by registered mail, return receipt requested, or may be made by personal delivery;

(2) The employer shall also pay to the total dependents of the employee a death benefit on the basis of sixty-six and two-thirds percent of the employee's average weekly earnings during the year immediately preceding the injury as

provided in section 287.250. Compensation shall be payable in installments in the same manner that compensation is required to be paid under this chapter, but in no case be less than at the rate of sixteen dollars per week nor more than one hundred fifteen dollars per week or as provided in section 287.160. If there is a total dependent, no death benefit shall be payable to partial dependents or any other persons except as provided in subdivision (1);

(3) If there are partial dependents, and no total dependents, a part of the death benefit herein provided in the case of total dependents, determined by the proportion of his contributions to all partial dependents by the employee at the time of the injury, shall be paid by the employer to each of the dependents proportionately;

(4) The word "dependent" as used in this chapter shall be construed to mean a relative by blood or marriage of a deceased employee, who is actually dependent for support, in whole or in part, upon his wages at the time of the injury. The following persons shall be conclusively presumed to be totally dependent for support upon a deceased employee and any death benefit shall be payable to them to the exclusion of other total dependents;

(a) A wife upon a husband legally liable for her support, and a husband mentally or physically incapacitated from wage earning upon a wife; provided, that on the death or remarriage of a widow or widower, the death benefit shall cease unless there be other total dependents entitled to any death benefit under this chapter. In the event of remarriage, a lump sum payment equal in amount to the benefits due for a period of two years shall be paid to the widow or widower. Thereupon the periodic death benefits shall cease unless there are other total dependents entitled to any death benefit under this chapter in which event the periodic benefits to which said widow or widower would have been entitled had he or she not died or remarried, shall be divided among such other total dependents and paid to them during their period of entitlement under this chapter;

(b) A natural, posthumous, or adopted child or children, whether legitimate or illegitimate, under the age of eighteen years, or over that age if physically or mentally incapacitated from wage earning, upon the parent legally liable for the support or with whom he is living at the time of the death of the parent. In case there is a wife or a husband mentally or physically incapacitated from wage earning, dependent upon a wife, and a child or more than one child thus dependent, the death benefit shall be divided among them in such proportion as may be determined by the commission after considering their ages and other facts bearing on the dependency, in all other cases questions of total or partial dependency shall be determined in accordance with the facts at the time of the injury, and in such other cases if there is more than one person wholly dependent the death benefit shall be divided equally among them. The payment of death benefits to a child or other dependent as provided in this paragraph shall cease when the dependent dies, attains the age of eighteen years, or becomes physically and mentally capable of wage earning over that age, or until twenty-two years of age if the child of the deceased is in attendance and remains as a full-time student in any accredited educational institution, or if at eighteen years of age the dependent child is a member of the armed forces of the United States on active duty; provided, however, that such dependent child shall be entitled to compensation during four years of full-time attendance at a fully accredited educational institution to commence prior to twenty-three years of age and immediately upon cessation of his active duty in the armed forces, unless there are other total dependents entitled to the death benefit under this chapter;

(5) The division or the commission may, in its discretion, order or award the



share of compensation of any such child to be paid to the parent, grandparent, or other adult next of kin or legal guardian of the child for the latter's support, maintenance and education, which order or award upon notice to the parties may be modified from time to time by the commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification;

(6) The payments of compensation by the employer in accordance with the order or award of the division or the commission shall discharge the employer from all further obligations as to the compensation;

(7) All death benefits in this chapter shall be paid in installments in the same manner as provided for disability compensation;

(8) Every employer shall keep a record of the correct names and addresses of the dependents of each of his employees, and upon the death of an employee by accident arising out of and in the course of his employment shall so far as possible immediately furnish the division with said names and addresses.

**Section 2. Dismissal of claims, when, how, effect.**—Any claim before the division may be dismissed for failure to prosecute in accordance with rules and regulations promulgated by the commission. To dismiss a claim the administrative law judge shall enter an order of dismissal which shall be deemed an award and subject to review and appeal in the same manner as provided for other awards in this chapter.

**287.615. Employees of division—compensation—qualifications.**—The division may appoint or employ such persons as may be necessary to the proper administration of this chapter. All salaries to clerical employees shall be fixed by the division and approved by the industrial commission. The salaries of legal advisors shall be twenty seven thousand dollars per year, from the effective date of this act until June 30, 1979, and commencing on July 1, 1979, the sum of twenty nine thousand dollars. The salary of each administrative law judge in charge shall be thirty three thousand two hundred dollars per year from the effective date of this act until June 30, 1979, and commencing on July 1, 1979, the sum of thirty five thousand dollars. The salary of each administrative law judge shall be thirty two thousand dollars per year from the effective date of this act until June 30, 1979, and commencing on July 1, 1979, shall be thirty three thousand eight hundred dollars. The salary of the chief counsel shall be thirty thousand dollars, commencing with the effective date of this act and continuing until the 30th day of June 1979, and commencing on June 30, 1979, shall be thirty two thousand dollars per year. The appointees in each classification shall be selected as nearly as practicable in equal numbers from each of the two political parties casting the highest and the next highest number of votes for governor in the last preceding state election.

Approved June 13, 1978.

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[H. B. 1824]

**LABOR AND INDUSTRIAL RELATIONS: Employment security.**

AN ACT to repeal 288.040 of House Bill No. 707 as enacted by the First Regular Session of the 79th General Assembly and approved by the Governor on June 14, 1977, relating to employment security and to enact in lieu thereof one new section to be known as section 288.040, relating to the same subject, relating solely to the deletion of a certain date, December 31, 1977, with an emergency clause.

## SECTION

## 1. Enacting clause.

## SECTION

288.040. Eligibility for benefits—exceptions.  
A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 288.040 of House Bill No. 707 as enacted by the First Regular Session of the 79th General Assembly and approved by the Governor on June 14, 1977, is repealed and one new section enacted in lieu thereof to be known as section 288.040, to read as follows:

**288.040. Eligibility for benefits—exceptions.**—1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that

(1) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) He is able to work and is available for work; provided, however, that no person shall be deemed available for work unless he has been and is actively and earnestly seeking work;

(3) Prior to the first week of a period of total or partial unemployment for which he claims benefits he has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. The one week waiting period shall become compensable after unemployment during which benefits are payable for nine consecutive weeks. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which he claims benefits;

(4) He has made a claim for benefits.

2. (1) Benefits based on service in employment defined in subsections 7 and 8 of section 288.034 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that benefits based on service prior to January 1, 1978, in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in subsection 288.031.2) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher education for both such academic years or both such terms.

(2) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(3) With respect to services performed in any capacity for an educational institution (other than an institution of higher education), benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such

individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms.

3. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which he is receiving or has received remuneration exceeding his weekly benefit amount in the form of

(a) Wages in lieu of notice;

(b) Termination allowances;

(c) Compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States;

(d) A pension paid in whole or in part from funds furnished by an employing unit to the extent that such pension is provided from funds not provided by the claimant; except that military retirement benefits shall not be considered as a pension for the purposes of this subsection;

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration and if such benefit is not a multiple of one dollar such amount shall be raised to the next multiple of one dollar.

4. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he has received or is seeking unemployment benefits under an unemployment insurance law of another state or the United States; provided, that if it be finally determined that he is not entitled to such unemployment benefits, such ineligibility shall not apply.

5. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which he is or was last employed; provided, that in the event he secures other employment from which he is separated during the existence of the labor dispute, he must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his ineligibility; and provided further, that if in any case separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises; and provided further, that this subsection shall not apply if it is shown to the satisfaction of the deputy that

(a) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work, and

(b) He does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit.

6. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist or participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such

seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

7. Benefits shall not be paid on the basis of services performed by an alien who has not been lawfully admitted for permanent residence, was not lawfully present for the purposes of performing such services, or otherwise not permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

**Section A. Emergency clause.**—Because the provisions of this act will have a serious and important impact upon employers and employees within this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 18, 1978.

(H. B. 1275)

**MOTOR VEHICLES, WATERCRAFT AND AVIATION: Licenses and temporary permits for motor vehicles and trailers.**

**AN ACT** to repeal sections 301.140 and 301.180, RSMo 1969, relating to licenses and temporary permits for motor vehicles and trailers purchased in this state and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
301.140. Plates removed on transfer or sale of vehicles—use by purchaser—reregistration—use of dealer plates.

**SECTION**

2. Temporary permits for nonresidents, procedure—fee.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 301.140 and 301.180, RSMo 1969 are repealed and two new sections enacted in lieu thereof, to be known as sections 301.140 and 2, to read as follows:

**301.140. Plates removed on transfer or sale of vehicles—use by purchaser—reregistration—use of dealer plates.**—1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued, to have the same in his or her possession whether in use or not; except that the seller may give the buyer written permission to use such plates for a period of fifteen days, in which event the buyer shall have and display on demand of any proper officer said written consent of previous owner, together with an affidavit or other proof that he has made application for registration. At the expiration of this fifteen day period the said number plates shall be returned to the original owner.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such motor vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of fifteen days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within fifteen days. The director may issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer on a continuous trip from the place of purchase to the buyer's residence. Upon the issuance of such permit the director shall furnish an appropriate placard evidencing the issuance thereof to be displayed on the vehicle. A fee of two dollars shall be collected upon the issuance of each such permit.

**Section 2. Temporary permits for nonresidents, procedure—fee.**—1. The director shall issue a temporary permit authorizing the operation of a motor vehicle by a nonresident buyer for not more than fifteen days from the date of purchase. Proof of ownership must be presented to the director and application for such permit shall be made upon a blank form furnished by the director of revenue and shall contain a full description of the motor vehicle, including manufacturer's or other identifying number.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such motor vehicle, issuance of such permit shall be granted and the director shall furnish an appropriate placard evidencing the issuance thereof to be displayed on the vehicle. A fee of ten dollars shall be collected upon the issuance of each such permit.

Approved June 7, 1978.

[H. C. S. H. B. 1116 and 1117]

#### **MOTOR VEHICLES, WATERCRAFT AND AVIATION: Public airports.**

**AN ACT** to repeal section 305.230, RSMo Supp. 1975, relating to public airports and to enact two new sections relating to the same subject.

##### **SECTION**

1. Enacting clause.  
305.230. Airport aid, who eligible—amounts available—airport must be operated twenty years.

##### **SECTION**

305.234. Department of Transportation to provide assistance, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 305.230, RSMo Supp. 1975 is repealed and two new sections enacted in lieu thereof, to be known as sections 305.230 and 305.234, to read as follows:

**305.230. Airport aid, who eligible—amounts available—airport must be operated twenty years.**—1. To promote the advancement of aviation, cities, towns and counties may purchase sites and construct and operate airports in the counties or near the cities and towns and when any city, town or county individually or jointly with any other city, town or county certifies to the governor that it has appropriated a specific sum for the aforesaid purpose or for the purpose of providing airport planning services and is ready to proceed with the planning, purchase, construction or improvement of an airport, a like sum not exceeding twenty-five thousand dollars in any one fiscal year nor exceeding seventy-five thousand dollars in any consecutive five fiscal years may be allotted to the city, town or county from the appropriation made for that purpose, except that the total allotted to all cities, towns and counties jointly constructing, operating and maintaining an airport in common shall not exceed fifty thousand dollars in any one fiscal year nor one hundred thousand dollars in any consecutive five fiscal years. Any number of separate appropriations may be made until the full sum as above stipulated is allotted. The sum shall be released to the city, town or county only after the department of transportation has certified to the governor that in its judgment the airport in question is desirable and in the interest of the development of aviation and that the funds proposed are adequate to complete the project and that the project meets the requirements and recommendations of the department's state airport standards and plan. Each city, town or county may receive federal grants in addition to all other grants or funds made available under this section.

2. Any city, town or county receiving state funds for the planning, purchase, construction or improvement of an airport shall agree before any funds are paid to it to keep, operate, or control by lease the airport for a period of not less than twenty years next following the payment of state funds to it.

**305.234. Department of Transportation to provide assistance, when.**—Pursuant to the stated intent of RSMo 305.233, any city, town or county individually or jointly with any other city, town or county planning to build, develop, improve or expand a public airport shall channel such request through the state department of transportation. Provided further that land airports serving Civil Aeronautics Board certificated air carriers and so certificated under CFR14 Part 139 are exempt from the requirements of channelization supra; but may request the state department of transportation to provide such service. The department of transportation is authorized to cooperate with the government of the United States and any agency or department thereof, in the acquisition, construction, improvement, maintenance and operation of airports and other navigation facilities in this state and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditure of federal money upon such airports and other navigation facilities.

Approved June 13, 1978.

[S. B. 581]

**MOTOR VEHICLES, WATERCRAFT AND AVIATION: Missouri-St. Louis Metropolitan Airport Authority.**

AN ACT to repeal 305.510, RSMo Supp. 1976, relating to Missouri-St. Louis metropolitan airport authority and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

## SECTION

1. Enacting clause.

## SECTION

305.510. Authority established — expiration date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 305.510, RSMo Supp. 1976 is repealed and one new section enacted in lieu thereof, to be known as section 305.510, to read as follows:

**305.510. Authority established—expiration date.**—1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. The provisions of sections 305.500 to 305.585 shall expire on December 31, 1980, unless the authority shall have entered into an agreement with the United States government, prior to said date, for the location of a major airport near St. Louis and in the state of Missouri or the authority shall have entered into an agreement with the city of St. Louis prior to said date, to own and, or operate St. Louis-Lambert International Airport.

Approved June 8, 1978.

[H. B. 978]

**ALCOHOLIC BEVERAGES:** Temporary permits to caterers for the service of intoxicating liquor by the drink.

AN ACT to amend chapter 311, RSMo, relating to the liquor control law by adding one new section relating to the issuance of temporary permits to caterers for the service of intoxicating liquor by the drink.

## SECTION

1. Amending clause.

## SECTION

311.485. Temporary location for liquor by drink—permit and fee required—other laws applicable.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Amending clause.**—Chapter 311, RSMo, is amended by adding one new section to be known as section 311.485, to read as follows:

**311.485. Temporary location for liquor by drink—permit and fee required—other laws applicable.**—1. The supervisor of liquor control may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "festival" as defined in chapter 316, effective for a period not to exceed one hundred twenty consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which

alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption in the incorporated city in which is located the premises in which such function, occasion or event is held. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. All provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This bill will not include the sale of packaged goods covered by this temporary permit.

Approved April 25, 1978.

[H. C. S. S. S. B. 628]

#### **PUBLIC SAFETY AND MORALS: Fire protection districts.**

AN ACT to repeal sections 321.010, 321.020, 321.030, 321.070, 321.150, 321.180, 321.250, 321.270, 321.360, 321.390, 321.470 and 321.600, RSMo 1969, section 321.310, RSMo Supp. 1975 and sections 321.120 and 321.220, RSMo Supp. 1977, relating to fire protection districts, and to enact in lieu thereof fifteen new sections relating to the same subject.

#### **SECTION**

1. Enacting clause.
- 321.010. Definitions.
- 321.015. District director not to hold other office or employment—office to be vacated, when—exceptions.
- 321.020. Circuit court may establish districts.
- 321.030. Petition required for organization of fire district.
- 321.070. Publication of notice of hearing—fixing time and place.
- 321.120. Election before decree becomes conclusive—notice to be published—form of ballot—orders after election—first directors.
- 321.150. Filing of copies of findings and decrees incorporating district.

#### **SECTION**

- 321.180. Treasurer's duties — file bond — make annual financial statement—fiscal year.
- 321.220. Powers of board.
- 321.250. Board to certify rate of levy to county court.
- 321.270. Duty to levy and collect taxes—delinquent taxes constitute a lien.
- 321.310. Exclusion of property from district on petition of property owners.
- 321.360. Notice of election—ballot.
- 321.390. Dissolution of district—ballot.
- 321.470. Recording of order of consolidation—fee (constitutional charter counties).
- 321.600. Powers of board in providing fire protection (first class counties).

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 321.010, 321.020, 321.030, 321.070, 321.150, 321.180, 321.250, 321.270, 321.360, 321.390, 321.470 and 321.600, RSMo 1969, section 321.310, RSMo Supp. 1975 and sections 321.120 and 321.220, RSMo Supp. 1977 are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 321.010, 321.015, 321.020, 321.030, 321.070, 321.120, 321.150, 321.180, 321.220, 321.250, 321.270, 321.360, 321.390, 321.470 and 321.600, to read as follows:

**321.010. Definitions.**—1. A "fire protection district" is a political subdivision which is organized and empowered to supply protection by any available means to persons and property against injuries and damage from fire and from hazards which do or may cause fire, and which is also empowered to render first aid for the purpose of saving lives, and to give assistance in the event of an accident or emergency of any kind. The district must consist of contiguous tracts or parcels of property containing all or parts of one or more counties, and may include within its boundaries, or may be contiguous with, any city, town or village.



2. The word "board" as used in this chapter shall mean the board of directors of a fire protection district.

3. A "duly qualified elector" of a district within the meaning of this chapter is a resident therein who is qualified to vote at general elections in this state.

4. A "taxpaying elector" of a district within the meaning of this chapter is a resident therein who is qualified to vote at general elections in this state, who has paid a general tax on real or personal property located within the district involved in the twelve months immediately preceding a designated time or event.

5. Whenever the term "publication" is used in this chapter and no other manner is specified therefor, it shall be taken to mean once a week for three consecutive weeks in at least one newspaper of general circulation in each county in which the district is located. It shall not be necessary that publication be made on the same day of the week in each of the three weeks, but not less than fourteen days (excluding the day of the first publication) shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

6. Except as otherwise provided in this chapter, all elections herein provided for shall be held and conducted and the returns thereof made, examined, and cast up in the same manner and in all respects as in elections for state and county officers.

**321.015. District director not to hold other office or employment—office to be vacated, when—exceptions.**—No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, RSMo, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director. This section shall not apply to members of the organized militia, of the reserve corps, public school employees and notaries public. The term "lucrative office or employment" does not include receiving retirement benefits for service rendered to a fire protection district, the state or any political subdivision thereof.

**321.020. Circuit court may establish districts.**—The circuit court sitting in and for any county of this state, containing all or part of a proposed district, or any judge thereof in vacation, may, as provided in this chapter, establish fire protection districts.

**321.030. Petition required for organization of fire district.**—The organization of a district shall be initiated by a petition filed in the office of the clerk of the circuit court vested with jurisdiction in any county in which all or part of the real property in the proposed district is situated. The petition shall be signed by one hundred taxpaying electors or more of the district.

**321.070. Publication of notice of hearing—fixing time and place.**—Immediately after the filing of such petition or any amended petition changing the boundaries, the court wherein such petition is filed or the judge thereof in vacation shall, by order, fix a time and place not less than thirty days nor more than sixty days after the petition is filed for a hearing thereon, and thereupon the circuit clerk shall cause notice by publication to be made of the filing of the petition and the pendency of the action and of the time and place of the hearing thereon. The circuit clerk shall also forthwith cause a copy of the notice to be mailed by United States registered mail to the governing body of each municipality having territory within

the proposed boundaries of the proposed district, and to the county court of each county in which the proposed district lies.

**321.120. Election before decree becomes conclusive—notice to be published—form of ballot—orders after election—first directors.**—1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the duly qualified electors residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the duly qualified electors of the district voting on the proposition at an election held for that purpose. Such election may be held separately, or may be consolidated or held concurrently with any other election, general or special, provided for in this chapter or otherwise. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three persons to act as the first board of directors, shall fix the date for holding the election, which date shall be at least sixty days after the date of the order, shall prescribe the form of ballots to be used, direct the publication of notice of the election, and such other details as may be necessary for the orderly conduct of such elections. The last publication shall be not more than seven days before the date of the election.

2. The proposition of incorporating the district may be submitted on a separate ballot, or on the same ballot as the election of the board or any other proposition. The ballot submitting the proposition of incorporating the district shall be in substantially the following form:

#### OFFICIAL BALLOT

Instruction to voters:

To cast a vote in favor of the incorporation of the ..... (Here insert proposed name of district.) Fire Protection District, place a cross (X) mark in the square opposite the word "Yes"; to vote against the incorporation of the ..... (Here insert proposed name of district.) Fire Protection District, place a cross (X) mark in the square opposite the word "No".

To incorporate and authorize an initial tax not to exceed thirty cents per each one hundred dollars assessed valuation.

YES ☐

NO ☐

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

#### OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

#### ELECTION

(Here insert name of district) Fire Protection District. (Here insert date of election.)

#### FOR BOARD OF DIRECTORS

..... ☐  
 ..... ☐  
 ..... ☐

4. The returns shall be certified by the county clerk or board or boards, of election commissioners in each county in which the district or proposed district lies to the circuit court having jurisdiction in the cause, and the court shall thereupon canvass the returns and declare the result on all propositions submitted at the election. If upon the canvass and declaration it is found that a majority of the duly qualified electors of each county in the district voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the duly qualified electors voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the qualified electors voting thereon, the one receiving the third highest number of votes to hold office for a term herein provided for, the one receiving the second highest number of votes to hold office until two years and the one receiving the highest number of votes until four years after the first biennial election of board members or until their successors are duly elected or appointed and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

**321.150. Filing of copies of findings and decrees incorporating district.**—Within thirty days after the final order of the circuit court of the county in which the district has been declared a public corporation, the circuit clerk of that court shall transmit to the county clerk and to the recorder of deeds in each county in which the district is located copies of the findings and decrees of the court incorporating the district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and each recorder and clerk shall receive a fee of one dollar for filing and preserving the same.

**321.180. Treasurer's duties—file bond—make annual financial statement—fiscal year.**—The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk of each county in which all or part of the district lies a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year. The fiscal year of the board shall be from July first of each year and ending June thirtieth of the following year.

**321.220. Powers of board.**—For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the

United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;

(5) Upon approval of the qualified electors, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the magistrate court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney, without compensation from the county, for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for the pensioning of the salaried members of its organized fire department of the district, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department who lose their lives in the performance of their duties; except that no board shall have the authority herein set forth until approved by the qualified voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five qualified voters who are real property owners within the district, an election shall be held on the question of whether the authority of this subdivision shall be exercised by the board, and the secretary shall cause to be published notice of the election as herein provided and shall cause to be submitted to the qualified voters of the district at the next annual election of the members of the board or at a special election called for the purpose a separate ballot containing the question:

Shall the board of directors of ..... fire district have the authority to provide for the pensioning of the salaried members of the organized fire department, including the pensioning of any such members who become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties, and to provide for the payment of benefits to the widows and minor children of members of the fire department who lose their lives in the performance of their duties?

YES ☐

NO ☐

If a majority of the qualified voters casting votes thereon at the election be in favor of the question, this subdivision shall take effect in the district forthwith and the board shall then and thereafter effect such a program for the pension and benefit payments authorized at the election as shall be necessary for the operation of the district. Notice of every election under this subdivision shall be published on the same day of the week, once each week for three consecutive weeks, in a newspaper of general circulation in each county in which the district is located, the last publication to be not more than three nor less than two weeks preceding the election. The proposition authorized by this subdivision shall in no case be referred to the voters more than one time in any twelve-month period. Notwithstanding other provisions of this subdivision, the board of directors of any fire protection district which has a pension system for the salaried members of its fire department in operation on September 28, 1977, may provide for the pensioning of any such members who hereafter become permanently incapacitated for duty as the result of accident or exposure occurring while the members are in the actual performance of their duties without submission of the proposition to do so to the qualified voters of the district.

**321.250. Board to certify rate of levy to county court.**—On or before the fifteenth day of May of each year, the board shall certify to the county court of each county within which the district is located a rate of levy so fixed by the board as provided by law, with directions that at the time and in the manner required by law for levy of taxes for county purposes such county courts shall levy a tax at the rate so fixed and determined upon the assessed valuation of all the taxable tangible property within the district, in addition to such other taxes as may be levied by such county courts.

**321.270. Duty to levy and collect taxes—delinquent taxes constitute a lien.—**

1. The body having authority to levy taxes within each county in which all or part of a district lies shall levy the taxes provided in this chapter, and all officials charged with the duty of collecting taxes in each such county shall collect such taxes at the time and in the manner and with like interest and penalties as other taxes are collected. When collected such taxes shall be paid to the district ordering the levy and collection, or entitled to the same, and the payment of such collection shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district. All funds received by the district shall be deposited in a depository and secured in the manner provided by law for the deposit of county funds.

2. All taxes levied under the provisions of this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the lien of district taxes.

**321.310. Exclusion of property from district on petition of property owners.—**

1. Five or more owners of any real or personal property contained within the boundaries of the district may file with the board a petition praying that such property be excluded and taken from said district. Such petition shall describe the property which the petitioners desire to have excluded; and must be acknowledged in the same manner and form as required in case of a conveyance of land, and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which said property is located. The notice shall state the filing of such petition, the names of petitioners, description of the property mentioned sought to be excluded and the prayer of said petitioners; and it shall notify all persons interested to appear at the office of said board at the time named in said notice, showing cause in writing, if any they have, why said petition should not be granted. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.

2. The board, if it deems it not for the best interests of the district that the property mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order that said petition be denied; but if it determines that the property mentioned in the petition, or any portion thereof, cannot as a practical matter be served by the district or if it deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof, be excluded from the district, then the board may order the property mentioned in the petition, or some portion thereof, excluded from the district. Upon allowance of such petition, the board shall file a certified copy of the order of the board making such change with the circuit clerk; and upon order of the court said property shall be excluded from the district, and a copy of the order of the board and the order of the court shall be filed with the county clerk in each county in which the district lies. The circuit court having jurisdiction over the district shall make any such order excluding property from the district as

provided in the order of the board, unless the court shall find that such order of the board was not authorized by law, or that such order of the board was not supported by competent and substantial evidence. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court within thirty days of the decision for a trial de novo.

**321.360. Notice of election—ballot.**—The board shall prescribe the form of the notice of election, and direct the publication of the same, as provided in this chapter. The first publication of said notice to be not less than twenty days prior to the election, and the last publication to be not more than seven days prior to said election. The board shall also furnish the ballots for such election, at the expense of the district, and such ballots shall be in substantially the following form:

#### OFFICIAL BALLOT

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "Yes"; to vote against the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "No".

Shall ..... (insert name of district) .....  
Fire Protection District (here state the proposition to be submitted) .....

YES ☐

NO ☐

The proposition so submitted, if relating to bonds, shall set out the amount of the issue and the purpose.

**321.390. Dissolution of district—ballot.**—Whenever a petition signed by not less than one hundred owners of real estate located in any district organized under the provisions of this chapter is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is inimicable to the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the proposition, which shall be submitted on a ballot, after having caused publication of notice of a hearing on said petition, in substantially the following form:

Shall ..... (insert the name of the fire district)  
Fire Protection District be dissolved?

YES ☐

NO ☐

**321.470. Recording of order of consolidation—fee (constitutional charter counties).**—The order of the circuit court having jurisdiction, as well as finding and determining the votes of the election, shall direct the clerk of the court to transmit to the county clerk and to the recorder of deeds of each county in which the consolidated district is located a certified copy of such order, to be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and each recorder and each clerk shall each receive, for such filing, a fee of one dollar, to be charged as costs in the proceeding.

**321.600. Powers of board in providing fire protection (first class counties).**—

For the purpose of providing fire protection to the property within the district, the district, and on its behalf the board, shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state; or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) below, involving an expense of two thousand dollars or more;
- (5) Upon approval of the qualified electors, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of sections 321.010 to 321.450;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;
- (10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;
- (11) To receive and accept by bequest, gift or donation any kind of property;
- (12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the magistrate court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney, without compensation from the county, for the prosecution



of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 321.010 to 321.450;

(15) To provide for the pensioning of the salaried members of its organized fire department of the district and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department, or if such member is unmarried or without minor children, to his next of kin, including adult children, if any, or other person designated by him or his estate, who lose their lives while on duty; and to provide for the payment of health, accident or disability benefits to such salaried members of its organized fire department, who shall become disabled due to injury or disease incurred while on duty or in the performance of their duties; except that no board shall have the authority herein set forth until approved by the qualified voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five qualified voters who are real property owners within the district, an election shall be held on the question of whether the authority of this subdivision shall be exercised by the board, and the secretary shall cause to be published notice of the election as herein provided and shall cause to be submitted to the qualified voters of the district at the next annual election of the members of the board or at a special election called for the purpose a separate ballot containing the question:

Shall the board of directors of ..... fire district have the authority to provide for the pensioning of the salaried members of the organized fire department and to provide for the payment of benefits to the widows and minor children of members of the fire department, or if such member be unmarried or without minor children, to his next of kin, including adult children, if any, or other person designated by him, or his estate, who lose their lives while on duty; and to provide for the payment of health, accident or disability benefits to such salaried members of its organized fire department who shall become disabled due to injury or disease incurred in the performance of their duties?

YES .....

NO .....

(Check one.)

If a majority of the qualified voters casting votes thereon at the election be in favor of the question, this subdivision shall take effect in the district forthwith and the board shall then and thereafter effect such a program for the pension and benefit payments authorized at the election as shall be necessary for the operation of the district. Notice of every election under this subdivision shall be published on the same day of the week, once each week for three consecutive weeks in a newspaper of general circulation in each county in which the district is located, the last publication to be not more than three nor less than two weeks preceding the election. The proposition authorized by this subdivision shall in no case be referred again to the voters within one year after the election; except that such proposition may be submitted on the first Tuesday after the first Monday in April if the election where such proposition shall have failed to receive the necessary

majority votes thereon shall have been held on the first Tuesday following the first Monday in April of the preceding year.

Approved June 7, 1978.

[H. B. 1115]

**PUBLIC SAFETY AND MORALS:** Treasurer's duties in a fire protection district.

AN ACT to repeal 321.180, RSMo 1969, relating to treasurer's duties in a fire protection district, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

321.180. Treasurer's duties—file bond—make annual financial statement—fiscal year.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 321.180, RSMo 1969, is repealed and one new section enacted in lieu thereof to be known as section 321.180, to read as follows:

321.180. Treasurer's duties—file bond—make annual financial statement—fiscal year.—The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year. The fiscal year of the board shall be the same as the calendar year, beginning January first of each year and ending December thirty-first of the same year.

Approved June 7, 1978.

[H. B. 1378]

**OCCUPATIONS AND PROFESSIONS:** Licensing requirements by the State Board of Cosmetology.

AN ACT to repeal section 329.080, RSMo 1969, relating to certain licensing requirements by the state board of cosmetology, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

329.080. Instructors, instructor trainees, qualifications, registration, fees, exemptions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 329.080, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 329.080, to read as follows:

329.080. Instructors, instructor trainees, qualifications, registration, fees, exemptions.—1. Any person teaching any of the classified occupations shall be registered as an instructor or as an instructor trainee. An instructor is one who holds

a current Missouri instructor license. An instructor trainee is one who has passed the practical examination and holds a temporary permit for training as an instructor in a Missouri registered cosmetology school. An applicant for examination for a temporary permit to practice as an instructor trainee shall submit to the board of cosmetology hereinafter referred to as the board a written application verified by oath that the applicant is of good moral character, in good physical and mental health, has completed at least a four year high school course of study or the equivalent thereof as determined by the Missouri state board of education, and shall hold a Missouri license to practice cosmetology, hairdressing, and manicuring. No person shall be denied a license as an instructor or discriminated against solely on the basis of having previously been convicted of a felony. The applicant shall be required to pass part one of the practical examination to the satisfaction of the state board of cosmetology. Upon successfully passing part one of the examination the board shall issue to the applicant a temporary permit for training as a cosmetology instructor. The temporary permit shall be issued for a definite period needed to complete training requirements to become eligible for taking part two or the written and oral examination. Training requirements may be satisfied by successfully completing:

(1) A minimum of twenty college credit hours of professional education courses as prescribed by the Missouri state board of education for public school vocational-technical education teachers and such college credit hours must be completed within six years after initial employment as an instructor; or

(2) Twelve hundred hours of teacher training in a curriculum defined by the board in their rules and regulations within a Missouri registered cosmetology school; except the twelve hundred hours may be reduced by two hundred hours for each three college credit hour course in professional education. Applicants requesting credit must submit to the board a certified transcript together with a course description certified by the administering education institution as being primarily directed to teaching methodology. Teacher training taken in the registered cosmetology school shall not be less than six hundred hours. Prior to taking part two of the examination, the applicant must submit to the board for approval an affidavit of completed instructor training. If the instructor trainee passes part two of the examination to the satisfaction of the state board of cosmetology the board shall issue to the applicant an instructor license. The examination fees for an instructor's license shall be fifteen dollars, such fees being non-refundable nor transferable. The renewal fee for the license shall be five dollars annually, in addition to the regular operator's renewal fee. For each renewal the instructor must submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, Missouri vocational association or bona fide state cosmetology school association specifically approved by the board to satisfy this requirement. The renewal application shall also include name and location where currently employed as instructor. Renewal fee shall be due and payable on or before renewal date of each year and, if the fee remains unpaid thereafter in said license year, there shall be a penalty of ten dollars in addition to the regular fee.

2. Instructors duly registered under any limited or unlimited medical practice law, or lecturers on subjects not directly pertaining to the practice under this chapter need not be holders of certificates provided for in this chapter.

3. The state board of cosmetology may dispense with any or all portions of the instructor examination, as provided in this section; and may grant instructor licensure upon application and payment of thirty-five dollars, provided the applicant can establish having complied with the cosmetology instructor requirements

of another state, territory or District of Columbia wherein those requirements are substantially equal or superior to those in force in Missouri at the time the application for certificate is filed and that extend like privileges to Missouri instructor licensees; that the applicant holds a current instructor license in the other state at the time of making application.

4. The licensing requirements of this act become effective on January one following the effective date of this act and no instructor license shall be issued otherwise, except that those then currently licensed as cosmetology instructors may continue to be licensed as such provided their license is maintained continuously current and the licensee complies with the continued training requirement as defined in section 1.

Approved April 25, 1978.

[S. B. 625]

**OCCUPATIONS AND PROFESSIONS: Grounds for refusal to issue or renew license or registration of dentists or dental hygienists.**

AN ACT to repeal sections 332.321 and 332.331, RSMo 1969, relating to grounds for refusal to issue or to renew, for suspension or revocation, of certificate of license or registration of dentists and dental hygienists, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
332.321. Dentist, registration or license, suspension, revocation, refusal to renew, grounds for.

**SECTION**

332.331. Dental hygienist, registration or license, suspension, revocation or refusal to renew, grounds for.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 332.321 and 332.331, RSMo 1969, are repealed and two new sections enacted in lieu thereof, to be known as sections 332.321 and 332.331, to read as follows:

**332.321. Dentist, registration or license, suspension, revocation, refusal to renew, grounds for.**—1. The board may refuse to issue, or refuse to renew, or may initiate proceedings to suspend or revoke, or to suspend and revoke as the case may be, any certificate of registration or license, or both, to practice dentistry in Missouri for any one or more of the following causes:

(1) If a certificate of registration or license to practice dentistry in Missouri was obtained by the holder thereof through or by means of misrepresentation of any kind or through or by means of withholding of information which was or is relevant and material to the question whether the certificate of registration or license should have been issued or renewed;

(2) If the holder of the certificate of registration or license, or both, to practice dentistry in Missouri:

(a) Has been convicted of any felony or other offense involving moral turpitude;

(b) Has been finally adjudged insane or incompetent by a court of competent jurisdiction;

(c) Has in any manner permitted another to use or make use of the holder's diploma from any school or the holder's certificate of registration or license to practice dentistry in Missouri;

(d) Has employed or does employ or has assisted or does assist or enable any person to practice or offer to practice dentistry as defined in section 332.071 who is not registered and currently licensed to practice dentistry in Missouri;

(e) Has violated or failed to comply with the provisions of this chapter which apply to dentists or with the provisions of any rules and regulations applying to dentists promulgated and filed by the board as provided in section 332.031;

(f) Has engaged or does engage in unprofessional or dishonorable conduct in the practice of dentistry;

(g) Is incompetent to practice dentistry as defined in section 332.071 because of gross ignorance or inefficiency.

2. Unprofessional or dishonorable conduct in the practice of dentistry shall include the following:

(1) Obtaining any fee or other compensation by fraud or misrepresentation;

(2) Advertising or soliciting patronage, directly or indirectly, in person or by agents or representatives, or by any other means or manner, under his own name or under the name of another person or concern, actual or pretended, in such manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of dental or health care services for all patients, or the qualifications of any individual person or persons to diagnose, render, or perform such dental or health care services;

(3) Habitual drunkenness or gross immorality, or being addicted to the use of narcotics;

(4) Advertising in any manner that he employs or uses a dental hygienist;

(5) Violating the confidential relation between patient and dentist without the consent of the patient or his legal representative;

(6) Accepting or tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation from distributing profits in accordance with his stated arrangement;

(7) Prescribing, dispensing or promoting drugs or other agents whose complete formulae are not available to the dental profession, or representing as exclusive, any agent, method or technique;

(8) Using his title or degree in connection with the promotion of any drug, agent, instrument or appliance; or

(9) Failing to maintain his office or offices, laboratory, equipment and instruments in a safe and sanitary condition.

3. Notwithstanding any other provision of this section, a duly registered and currently licensed dentist in Missouri may, without violating any provision of this chapter;

(1) Make use of professional cards, announcements, signs, directories, listings, titles, and degrees in such manner and under such circumstances as may be prescribed in rules and regulations promulgated by the board;

(2) Enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices in violation of this section or violate any other provision of this chapter.

**332.331. Dental hygienist, registration or license, suspension, revocation or refusal to renew, grounds for.**—1. The board may refuse to issue, or refuse to renew or may initiate proceedings to suspend or revoke or to suspend and revoke, as the case may be, any certificate of registration or license or both to practice as a dental hygienist in Missouri for any one or more of the following causes:

(1) If certificate of registration or license to practice as a dental hygienist in Missouri was obtained by the holder thereof through or by means of misrepresentation of any kind or through or by means of withholding of information which was or is relevant and material to the question whether such certificate of registration or license should have been issued or renewed;

(2) If the holder of any certificate of registration or license or both to practice as a dental hygienist in Missouri:

(a) Has been convicted of any felony or any other offense involving moral turpitude;

(b) Has been finally adjudged insane or incompetent by a court of competent jurisdiction;

(c) Has in any manner permitted another to use or make use of the holder's diploma from any school or the holder's certificate of registration or license to practice as a dental hygienist;

(d) Has employed, does employ or has assisted or does assist or enable any person to practice or offer to practice as a dental hygienist in Missouri as defined in section 332.091 who is not registered and currently licensed to practice as a dental hygienist in Missouri;

(e) Has violated or failed to comply with the provisions of this chapter which apply to dental hygienists or with the provisions of any rules and regulations promulgated and filed by the board as provided in section 332.031; or

(f) Has engaged or does engage in unprofessional or dishonorable conduct in the practice as a dental hygienist.

2. Unprofessional or dishonorable conduct in the practice as a dental hygienist shall include the following:

(1) Obtaining any fee or other compensation by fraud or misrepresentation;

(2) Using or making use of, directly or indirectly, any advertising to solicit business;

(3) Habitual drunkenness or gross immorality or being addicted to the use of narcotics;

(4) Failing to maintain his office, laboratory equipment and instruments in a safe and sanitary condition; or

(5) Incompetency to practice as a dental hygienist as defined in section 332.091 because of gross ignorance or inefficiency.

Approved June 7, 1978.

[H. C. S. H. B. 933]

#### **OCCUPATIONS AND PROFESSIONS: Filling of prescriptions by a pharmacist.**

AN ACT to repeal sections 338.055 and 338.059 RSMo Supp. 1975, relating to filling of prescriptions by a pharmacist and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions and an effective date.

##### **SECTION**

1. Enacting clause.  
338.055. Refusal to license, grounds for—unprofessional conduct, what constitutes.  
338.056. Generic substitutions may be made, when, form required for prescription blanks—penalty.

##### **SECTION**

- 338.057. List of nonacceptable substitutions—preparation—publication.  
338.059. Prescriptions, how labeled.  
A. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Sections 338.055 and 338.059, RSMo Supp. 1975, are repealed and four new sections enacted in lieu thereof to be known as section 338.055, section 338.056, section 338.057 and section 338.059, to read as follows:

**338.055. Refusal to license, grounds for—unprofessional conduct, what constitutes.**—1. The board may refuse to license individuals of bad moral character or persons guilty of unprofessional or dishonorable conduct, who were previously unlicensed or whose licenses have been revoked.

2. The board may on its own information or on complaint of any person, cause a complaint to be filed before the administrative hearing commission pursuant to chapter 161, RSMo, charging a licensee with any of the specific acts of unprofessional or dishonorable conduct as set forth in this section, which conduct if proved shall constitute grounds for revocation or suspension of his license, or the placing of the licensee on probation. After the filing of such complaint by the board the proceeding will be conducted in accordance with the provisions of chapter 161, RSMo.

3. The following specifications shall be deemed unprofessional or dishonorable conduct within the meaning of this section:

- (1) Conviction of a felony;
- (2) Conviction of any crime an essential element of which is dishonesty or fraud;
- (3) Habitual drunkenness;
- (4) Drug addiction or excessive use of narcotics;
- (5) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056 and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;
- (6) Procuring a license by false or fraudulent statement;
- (7) Allowing anyone other than the licensee to use the license of a licensee at a location where the licensee is not personally, actively and continuously engaged in the practice of pharmacy or pharmaceutical enterprise at a fixed and definite location;
- (8) Developing such physical or mental disability, or other condition, that continued practice is dangerous to the public; or
- (9) Any other conduct which constitutes a violation of any provision of this chapter.

**338.056. Generic substitutions may be made, when, form required for prescription blanks—penalty.**—1. Except as provided in subsection 2, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2. The pharmacist who selects the drug product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug product as would be incurred in filling a prescription for a drug product prescribed by generic name. The pharmacist shall not select a drug product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug may, unless requested otherwise by the purchaser, select a less expensive generically equivalent product under the following circumstances:

- (1) If a written prescription is involved, the prescription form used shall have two signature lines at opposite ends at the bottom of the form. Under the line at the right side shall be clearly printed the words: "Dispense as Written". Under the line at the left side shall be clearly printed the words "Substitution

Permitted". The prescriber shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the prescriber on one of these lines.

(2) If an oral prescription is involved, the practitioner or the practitioner's agent communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

3. All prescriptions written in the state of Missouri by practitioners authorized to write prescriptions shall be on forms which comply with section 2 hereof.

4. Violations of this section are infractions.

**338.057. List of nonacceptable substitutions—preparation—publication.**—The Department of Consumer Affairs, Regulation and Licensing shall publish a list of drug products for which substitution as provided in 338.056 shall not be permitted. The list of drug products to be included on this list shall be based upon a joint determination made by the Division of Health, The State Board of Registration for the Healing Arts, and the State Board of Pharmacy. The Department of Consumer Affairs, Regulation and Licensing shall publish the list not less often than semi-annually, and shall publish amendments to the list as required.

**338.059. Prescriptions, how labeled.**—1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under his supervision a label to each and every container in which is placed any prescription drug upon which is typed or written the following information:

- (1) The date of the prescription is filled;
- (2) The sequential number;
- (3) The patient's name;
- (4) The prescriber's directions for usage;
- (5) The prescribing doctor's name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed.
- (8) There may be one line under the word written stating "Refill" with a blank line or squares following. Immediately under the word "Refill" the words "No Refill";

(9) When a generic substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in Section 338.100, RSMo;

2. The label of any drug which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date if applicable, batch or lot number and National Drug Code.

**Section A. Effective date.**—This act shall become effective January 1, 1979.

Approved April 25, 1978.

[S. B. 811]

#### **OCCUPATIONS AND PROFESSIONS: Missouri Real Estate Commission.**

AN ACT to repeal sections 339.010, 339.040, 339.080, 339.100 and 339.110, RSMo 1969, relating to the Missouri real estate commission, and to enact in lieu thereof eight new sections, relating to the same subject, with penalty provisions.



## SECTION

1. Enacting clause.  
 339.010. Definitions—applicability of chapter.  
 339.040. Licenses granted to whom—examination — qualifications — temporary broker's license, when.  
 339.045. Real estate schools—accreditation — registration — fee, how determined.  
 339.080. Denial of application or license, when, notice—hearing.

## SECTION

- 339.100. Investigation of certain practices, procedure — subpoenas — formal complaints—revocation or suspension of licenses—digest may be published.  
 339.105. Separate escrow accounts required.  
 339.110. Refusal of licenses, when.  
 339.180. Unlicensed persons not to act—powers of commission, procedure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 339.010, 339.040, 339.080, 339.100, and 339.110, RSMo 1969, are repealed and eight new sections enacted in lieu thereof to be known as sections 339.010, 339.040, 339.045, 339.080, 339.100, 339.105, 339.110, and 339.180, to read as follows:

**339.010. Definitions—applicability of chapter.**—1. A "real estate broker" is any person, copartnership, association or corporation, foreign or domestic who, for another, and for a compensation or valuable consideration, as a whole or partial vocation does, or attempts to do, any or all of the following:

- (1) Sells, exchanges, purchases, rents, or leases real estate;
- (2) Offers to sell, exchange, purchase, rent or lease real estate;
- (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;
- (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;
- (6) Advertises or holds himself out as a licensed real estate broker while engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
- (7) Assists or directs in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;
- (8) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;
- (9) Engages in the business of charging an advance fee in connection with any contract whereby he undertakes to promote the sale of real estate either through its listing in a publication issued for such purpose or for referral of information concerning such real estate to brokers or both;
- (10) Negotiates or offers to negotiate a loan secured or to be secured by a deed of trust or mortgage;
- (11) Performing any of the foregoing acts as an employee of, or on behalf of, the owner of real estate, or interest therein, or improvements affixed thereon, for compensation.

2. A "real estate salesperson" is any person, who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to do any of the things above mentioned, as a whole or partial vocation. Nothing in this act shall be construed to deny a real estate salesperson who is compensated solely by commission the right to be associated with a broker as an independent contractor.

3. The term "commission" as used in this chapter means the Missouri real estate commission.

4. "Real estate" for the purposes of this act shall mean and include, lease-

holds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in this state or elsewhere.

5. The provisions of this act shall not apply to:

(1) Any person, partnership or corporation who as owner or lessor shall perform any of the acts described in subsection 1 of section 339.010 with reference to property owned or leased by them, or to the regular employees thereof provided such owner or lessor is not engaged in the real estate business as a vocation;

(2) Any licensed attorney at law;

(3) An auctioneer employed by the owner of the property;

(4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will, trust instrument or deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency;

(5) Any person acting as the resident manager for a broker managing an apartment building, duplex, apartment complex or court, when such resident manager resides on the premises and is engaged in the leasing of property in connection with his employment, or rent collectors or counter clerks employed in the rental department of the office of a real estate broker;

(6) Any officer or employee of a federal agency or the state government or any political subdivision thereof performing his official duties;

(7) Railroads and other public utilities regulated by the state of Missouri, or their subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless performance of any of the acts described in subsection 1 of section 339.010 is in connection with the sale, purchase, lease, or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof;

(8) Any bank, trust company, savings and loan association, insurance company or farm loan association organized under laws of this state or of the United States when engaged in the transaction of business on its own behalf and not for others;

(9) Any newspaper or magazine or periodical of general circulation whereby the advertising of real estate is incidental to the operation of that publication or to any form of communications regulated or licensed by the Federal Communications Commission or any successor agency or commission;

(10) Any developer selling Missouri land owned by the developer if such developer has on file with the commission a certified copy of a currently effective statement of record on file with the office of interstate land sales pursuant to section 1704 through 1706 of Title 15 of the United States Code or a current statement from the Office of Interstate Land Sales of the United States Department of Housing and Urban Development approving the documentation (together with a copy of such documentation) submitted to that Office with respect to real estate falling within the scope of subsection 1702 (a) (10) of Title 15 of the United States Code.

**339.040. Licenses granted to whom—examination—qualifications—temporary broker's license, when.**—1. Licenses shall be granted only to persons who bear and to corporations or associations whose officers bear a good reputation for honesty, integrity, and fair dealing, and who are competent to transact the business of a broker or salesperson in such manner as to safeguard the interest of the public, and only after satisfactory proof of such qualifications has been presented to the commission.

2. In order to determine an applicant's qualification to receive a license under this chapter, the commission shall hold oral or written examinations at such times and places as the commission may determine.

3. Each applicant for a broker or salesperson license shall be at least eighteen years of age.

4. Each applicant for a broker license shall be required to have satisfactorily completed the salesperson license examination prescribed by the commission. For the purposes of this section only, the commission may permit a person who is not associated with a licensed broker to take the salesperson examination.

5. Each application for a broker license shall include a certificate from the applicant's broker or brokers that the applicant has been actively engaged in the real estate business as a licensed salesperson for at least one year immediately preceding the date of application, or, in lieu thereof, shall include a certificate from a school accredited by the commission under the provisions of section 339.045 that the applicant has, within six months prior to the date of application, successfully completed the prescribed broker curriculum or broker correspondence course offered by such school. Provided, however, that the commission may waive all or part of the educational requirements set forth above when an applicant presents proof of other educational background or experience acceptable to the commission.

6. Each application for a salesperson license shall include a certificate from a school accredited by the commission under the provisions of section 339.045 that the applicant has within six months prior to the date of application, successfully completed the prescribed salesperson curriculum or salesperson correspondence course offered by such a school. Provided, however, that the commission may waive all or part of the educational requirements set forth above when an applicant presents proof of other educational background or experience acceptable to the commission.

7. In the event of the death or incapacity of a licensed broker, or of one or more of the licensed copartners or officers of a real estate copartnership or corporation whereby the affairs of the broker, copartnership, or corporation cannot be carried on the commission may issue, without examination or fee, to the legal representative or representatives of the deceased or incapacitated individual, or to another individual approved by the commission, a temporary broker license which shall authorize such individual to continue for a period to be designated by the commission to transact business for the sole purpose of winding up the affairs of the broker, copartnership or corporation under the supervision of the commission.

**339.045. Real estate schools—accreditation—registration—fee, how determined.**  
—1. An institution or organization desiring to conduct a school or offer a course of instruction to prepare persons to be licensed under this chapter shall apply to the commission for accreditation, and shall submit evidence that it is prepared to carry out a prescribed minimum curriculum in real estate principles and practices and can meet other standards established by the commission. An investigation of the school and of the institution or organization with which such school is affiliated shall be made by the Executive Secretary or other authorized representative of the commission, who shall submit a written report of the investigation to the commission. If, in the opinion of the commission, the requirement for an accredited school for instruction in real estate principles and practices are met, the commission shall approve the school as an accredited real estate school upon payment of a fee in an amount to be set by the commission. All schools so accredited shall register annually on or before the thirtieth day of June on a form

provided by the commission and pay the required annual registration fee fixed by the commission.

2. The commission shall prescribe minimum curricula and standards for accreditation of real estate schools and courses of instruction preparing persons to be licensed under this chapter. From time to time as deemed necessary by the commission it shall be the duty of the commission through its Executive Secretary or other authorized representative to survey all accredited real estate schools operated in this state. If the commission determines that any accredited real estate school is not maintaining the standards required by the commission, notices thereof in writing specifying the defect or defects shall be given immediately to the school. A school which fails to correct these conditions to the satisfaction of the commission within thirty days, or such longer period as may be authorized in writing by the commission, shall, after notice and hearing by the commission, be removed from the commission's list of accredited real estate schools. All hearings shall be conducted in accordance with the applicable provisions of chapter 536, RSMo., and any person aggrieved by the decision of the commission after the hearing may appeal as provided in said chapter. No member of the commission, nor any relative within the fourth degree of consanguinity or affinity, nor any member or employee of the commissioner's firm or business entity, shall have any economic interest in, receive remuneration from, or teach or solicit customers for any real estate school or courses of instruction as heretofore described in this act.

**339.080. Denial of application or license, when, notice—hearing.—1.** The commission may refuse to examine or issue a license to any person known by it to be guilty of any of the acts or practices specified in subsection 2 of section 339.100, or to any person previously licensed whose license has been revoked, or may refuse to issue a license to any association or copartnership of which such person is a member, or to any corporation of which such person is an officer or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

2. Any person denied a license or the right to be examined shall be so notified by the commission in writing stating the reasons for denial or refusal to examine and informing the person so denied of his right to file a complaint with the Administrative Hearing Commission in accordance with the applicable provisions of sections 161.252 through 161.342, RSMo., and the rules promulgated thereunder. All notices hereunder shall be sent by registered or certified mail to the last known address of the applicant.

**339.100. Investigation of certain practices, procedure—subpoenas—formal complaints—revocation or suspension of licenses—digest may be published.—1.** The commission may, upon its own motion, and shall upon written complaint filed by any person, investigate any business transaction of a person, copartnership or corporation licensed under this chapter. In conducting such investigation, the commission shall have the power to hold an investigatory hearing to determine whether there is a probability that the licensee has performed or attempted to perform any act or practice declared unlawful under this chapter. In conducting such a hearing, the commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The

fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by law when the commission believes there is a probability that a licensee has performed or attempted to perform any of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his personal or other business accounts, all moneys belonging to others entrusted to him while acting as a real estate broker, or as escrow agent, or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to deliver, immediately at the time of signing, a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the broker or under his supervision or are within his control, including, but not limited to, the instruments relating to the employment of the broker or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he may participate as a broker;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of this chapter;

(8) Guaranteeing or having authorized or permitted any broker or salesperson to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a real estate license for himself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express knowledge and consent of that broker, or accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated;

(12) Using prizes, money, gifts or other valuable consideration as inducement to secure customers to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the

purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(13) Placing a sign on any property offering it for sale or rent without the consent of the owner or his duly authorized agent;

(14) Willfully or repeatedly violating any of the provisions of this chapter or any rule or regulation promulgated hereunder;

(15) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(16) Failure to submit all written bona fide offers to a seller when such offers are received prior to the seller accepting an offer in writing and until the broker has knowledge of said acceptance;

(17) Being found guilty in a court of this state, or of any other state, or of the United States, of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offenses;

(18) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, or demonstrates bad faith or gross incompetence.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all broker licensees periodically. Such digests may also contain reports as to new or changed rules and regulations adopted by the commission and other information of significance to licensees.

**339.105. Separate escrow accounts required.**—1. Each broker shall maintain a separate bank checking account in this state, or in an adjoining state with written permission of the commission, which shall be designated an escrow or trust account in which all money not his own coming into his possession, including funds in which he may have some future interest or claim, shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his personal funds or other funds in said account with the exception that a broker may deposit and keep a sum not to exceed One Hundred Dollars (\$100) in said account from his personal funds, which sum shall be specifically identified and deposited to cover service charges related to said account. The commission may, by written waiver issued for good cause shown, relieve a broker from the obligation to maintain a separate escrow or trust account.

2. Before issuance or renewal of a broker license, each broker shall notify the commission of the name of the bank in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each bank to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 above.

3. In conjunction with each escrow or trust account a broker shall maintain at his usual place of business, books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The

account and other records shall be opened to inspection by the commission and its duly authorized agents at all times during regular business hours at the broker's usual place of business.

4. A broker shall not be entitled to any part of the earnest money or other money paid to him in connection with any real estate transaction as part or all of his commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

5. When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any of his assistants designated by him, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

6. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which it is alleged that the defendant has acted, is acting or is about to act in violation of this section.

7. In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.

**339.110. Refusal of licenses, when.**—The commission may refuse to issue a license to any person who is known by it to have been found guilty of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense, or to any association or copartnership of which the person is a member, or to any corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

**339.180. Unlicensed persons not to act—powers of commission, procedure.**—

1. It shall be unlawful for any person not licensed under this act to perform any act for which a real estate broker or salesperson license is required. The commission may, through the attorney general or any of his assistants designated by him or through the circuit attorney of the city of St. Louis or by the prosecuting attorney of any county as by the commission selected, proceed in the name of the state of Missouri or the name of the commission to institute suit to enjoin any act declared to be unlawful or in violation of any section of this act.

2. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which it is alleged that the defendant is engaging or has engaged in an act or acts in violation of this chapter.

3. In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.

[S. B. 547]

**OCCUPATIONS AND PROFESSIONS: Fees and terms of licenses for real estate brokers and salesmen.**

AN ACT to repeal sections 339.060 and 339.090, RSMo 1969, relating to fees and terms of licenses for real estate brokers and salesmen, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.

339.060. Fees and terms of licenses.

**SECTION**

339.090. License of nonresident—fee—reciprocity.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 339.060 and 339.090, RSMo 1969 are repealed and two new sections enacted in lieu thereof to be known as sections 339.060 and 339.090, to read as follows:

**339.060. Fees and terms of licenses.**—The annual fee for a real estate broker's license shall be ten dollars. When issued to a copartnership, association or corporation, there shall be an additional annual fee of three dollars for each member or officer who actively participates in the real estate business. The annual fee for a real estate salesman's license shall be five dollars. Every license granted under this chapter and every renewal thereof shall expire on the thirtieth day of June in each year. In the absence of any reason or condition which might warrant the refusal of the granting of a license, the commission shall issue a new license for each ensuing year upon receipt of the written application of the applicant and the renewal fee herein required.

**339.090. License of nonresident—fee—reciprocity.**—The commission may prescribe necessary rules and regulations pursuant to chapter 536, RSMo, to provide for the licensure of nonresidents. Such rules shall require the nonresident to pay a fee equal to the fee a Missouri resident would have to pay in the nonresident's state, for licensure in that state, and may provide for licensure without examination if such reciprocity is extended to Missouri residents.

Approved June 14, 1978.

[H. B. 1170]

**OCCUPATIONS AND PROFESSIONS: Licensing and regulation of auctioneers.**

AN ACT to repeal sections 150.380, 343.010, 343.020, 343.030, 343.070, 343.080, 343.090, 343.100, 343.110, 343.120, 343.130, 343.140, 343.150, 343.160, 343.170, 343.180, 343.190, 343.200, 343.210, 343.220, 343.230, 343.240 and 343.250, RSMo 1969, relating to licensing and regulation of auctioneers, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

**SECTION**

1. Enacting clause.

150.380. Itinerant vendor defined—exceptions.

343.010. Auctioneers must have license—  
auctioneer defined.**SECTION**

343.030. County clerk to issue license forms.

343.070. Collector to issue licenses.

343.080. License fee—rates.

343.090. Clerk's fee.

343.100. Nonresidents to be licensed.

343.250. Penalties.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 150.380, 343.010, 343.020, 343.030, 343.070, 343.080, 343.090, 343.100, 343.110, 343.120, 343.130, 343.140, 343.150, 343.160, 343.170, 343.180, 343.190, 343.200, 343.210, 343.220, 343.230, 343.240 and 343.250, RSMo 1969, are repealed and eight new sections enacted in lieu thereof, to be known as



sections 150.380, 343.010, 343.030, 343.070, 343.080, 343.090, 343.100, and 343.250, to read as follows:

**150.380. Itinerant vendor defined—exceptions.**—1. The words "itinerant vendor", for the purposes of sections 150.380 to 150.460, shall mean and include all persons, both principal and agents, who engage in, or conduct, in this state, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise with the intention of continuing in such business in any one place for a period of not more than one hundred and twenty days, and who, for the purpose of carrying on such business, hire, lease or occupy, either in whole or in part, a room, building, or other structure, for the exhibition and sale of such goods, wares and merchandise and do not have a permanent place of business in Missouri.

2. The provisions of sections 150.380 to 150.460 shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to hawkers on the streets or peddlers from vehicles, nor to any sale of goods, wares or merchandise on the grounds of any agricultural society during the continuance of any annual fair held by such society, nor to auctioneers when selling goods, merchandise or property for customary auction fee or commissions.

**343.010. Auctioneers must have license—auctioneer defined.**—1. No person shall exercise the trade or business of a public auctioneer by selling any goods, property or real estate, without a license.

2. "Auctioneer", as used in this act is one who sells goods, merchandise, or property of any kind, at public or private auction, for another person, and who receives any commission or compensation of any kind for conducting such sale; but not including one who conducts such a sale by or under the jurisdiction of any court, or pursuant to any judicial judgment or order, or any foreclosure sale of real estate, and not including any owner of any goods, merchandise or property of any kind, who himself conducts such sale.

**343.030. County clerk to issue license forms.**—The clerks of the respective county courts shall issue, at each term, as many blank auction licenses for ten days, and for one, three, six and twelve months, respectively, as requested.

**343.070. Collector to issue licenses.**—Each collector shall grant to any person, upon application and upon compliance with the requirements of this chapter, an auction license for ten days, or for one, three, six or twelve months, and for that purpose fill up and countersign one of the blank licenses received from the clerk.

**343.080. License fee—rates.**—1. There shall be levied upon every license, to be paid to the county clerk before the delivery thereof, a fee as follows:

- (1) On each license for one month, ten dollars;
- (2) On each license for three months, twenty dollars;
- (3) On each license for six months, thirty dollars;
- (4) On each license for twelve months, fifty dollars.

2. An auctioneer license issued in any county of this state shall be valid in each county of this state during the period for which it is issued.

**343.090. Clerk's fee.**—In each case of a license delivered, there shall be paid to the county clerk two dollars as an issuance fee to the clerk. The fee shall be paid into the county's general revenue fund.

**343.100. Nonresidents to be licensed.**—No person shall be permitted to sell goods or property at auction of any kind at auction unless he shall have resided in this state six months next preceding the time of making application for license. Except that any nonresident individual may be granted a license to engage in auctioneering in this state upon application and payment of the appropriate fees set out in this chapter.

**343.250. Penalties.**—Every person who shall violate any of the provisions of this chapter is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty nor more than five hundred dollars, and shall be disqualified from exercising the rights or pursuing the business of an auctioneer for a period of one year from the date of his conviction. After January 1, 1979, every person who shall violate any of the provisions of this chapter is guilty of a Class C misdemeanor and shall be disqualified from exercising the rights or pursuing the business of an auctioneer for a period of one year from the date of his conviction.

Approved May 29, 1978.

(S. B. 761)

**CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS: Industrial development corporations.**

AN ACT to amend Chapter 349 RSMo. Supp. 1977 relating to industrial development corporations, by adding one new section relating to the same subject.

**SECTION**

**1. Amending clause.**

**SECTION**

**349.025. General and Business Corporation Law applicable—exceptions.**

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Amending clause.**—Chapter 349 RSMo. Supp. 1977 is amended by adding one new section to be known as section 349.025, to read as follows:

**349.025. General and Business Corporation Law applicable—exceptions.**—The general and business corporation law of Missouri, chapter 351 RSMo, shall be applicable to industrial development corporations organized pursuant to this chapter except that any provision of this chapter shall take precedence over any provision of chapter 351 RSMo which conflicts with it.

Approved June 7, 1978.

(S. B. 762)

**CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS: Professional corporations.**

AN ACT to repeal section 356.190 RSMo 1969 relating to professional corporations, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

**1. Enacting clause.**

**SECTION**

**356.190. Forfeiture of corporate rights, when—trustees, powers.**

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 356.190 RSMo. 1969 is repealed and one new section enacted in lieu thereof to be known as section 356.190, to read as follows:

**356.190. Forfeiture of corporate rights, when—trustees, powers.**—The certificate of incorporation of any corporation organized under this chapter shall be automatically forfeited as of the last day of December in any year if the corporation fails to file the certificate required under this chapter, or if the certificate filed reflects that any shares of the corporation have not been owned by a qualified person for more than one year preceding the date of the certificate and that no suit has been timely instituted to fix the fair value of such shares or that the corporation has not elected to accept the provisions of chapter 351, RSMo. In the event of any such forfeiture, all the powers, privileges and franchises conferred upon such corporation by its certificate of incorporation shall, subject to rescission as provided in chapter 351, RSMo, on failure to comply with the provisions of chapter 351, RSMo, with respect to registration, cease and determine, and the secretary of state shall notify the corporation by mail, addressed to its registered office, as disclosed by the records of his office, that its corporate existence and rights in this state have been forfeited and canceled, and the corporation dissolved subject to rescission as provided in chapter 351, RSMo. The directors and officers in office when any such forfeiture occurs shall be the trustees of the corporation, shall have full authority to wind up its business and affairs, sell and liquidate its property and assets, pay its debts and obligations and distribute the net assets among the shareholders. The trustees as such shall have power to sue for and recover the debts and property due the corporation, describing it by its corporate name, and may be sued as such. The trustees shall be jointly and severally responsible to the creditors and shareholders of the corporation to the extent of its property and effects that shall have come into their hands.

Approved April 19, 1978.

[H. B. 1057]

**BUSINESS AND FINANCIAL INSTITUTIONS: Appeals to the State Banking Board.**

AN ACT to repeal section 361.094, RSMo 1969, relating to appeals to the state banking board, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

361.094. Banking board to determine appeals—procedure—hearing officer authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Section 361.094, RSMo 1969, is repealed and one new section enacted in lieu thereof, to be known as section 361.094 to read as follows:

**361.094. Banking board to determine appeals—procedure—hearing officer authorized.**—1. The state banking board shall with reasonable promptness hear and by order determine all appeals permitted by law from refusals of the commissioner of finance to grant certificates of incorporation to the proposed incorporators of banks, from refusals of the commissioner of finance to issue certificates permitting changes in the articles of agreement of banks to provide for the relocation of these banks in other communities, from refusals of the commissioner of finance to grant certificates of incorporation to the proposed incorporators of trust companies, and from refusals of the commissioner of finance to issue cer-

tificates permitting changes in the articles of agreement of trust companies to provide for the relocation of these trust companies in other communities.

2. The state banking board shall hear and by order determine an appeal from the action of the commissioner granting the incorporation or relocation of a bank or trust company upon application filed within ten days after the commissioner's action by a bank, trust company, national banking association or other persons claiming to be adversely affected thereby. The application shall state the grounds upon which it is alleged that the action of the commissioner should be stayed, reversed or altered. In reviewing an application for appeal, the board shall have access to all of the records and information used by the commissioner in making his decision. A decision shall be rendered on the appeal within ninety days from the date of the application for appeal.

3. The board shall establish such rules as may be necessary to give effect to the provisions of this section. The rules may provide that the board or the chairman of the board may delegate responsibility for the conduct of investigations and the hearing of appeals provided under any section of this law to a member of the board or to a hearing officer designated by the board. Such hearing officer shall have the power to administer oaths, subpoena witnesses, compel the production of records pertinent to any hearing, and take any action in connection with such hearing which the board itself is authorized to take by law other than making the final decision and appropriate order. When the hearing has been completed, the individual board member or the hearing officer who conducted the hearing shall prepare a summary thereof and recommend a findings of fact, conclusions of law, decision and appropriate order for approval of the board. The board may adopt such recommendations in whole or in part, require the production of additional testimony, reassign the case for rehearing, or may itself conduct such new or additional hearing as is deemed necessary prior to rendering a final decision.

Approved June 12, 1978.

[S. B. 794]

#### **BUSINESS AND FINANCIAL INSTITUTIONS: Certain banking facilities.**

AN ACT to repeal section 362.107, RSMo Supp. 1975, relating to certain banking facilities, and to enact in lieu thereof one new section relating to the same subject.

#### **SECTION**

1. Enacting clause.

#### **SECTION**

362.107. Banking facilities separate from banking house, limitations.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 362.107, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 362.107, to read as follows:

**362.107. Banking facilities separate from banking house, limitations.**—1. Any other law of this state to the contrary notwithstanding, every bank and every trust company organized under the laws of this state which has the corporate power to receive deposits may, upon compliance with this section, maintain and operate separate and apart from its banking house facilities for drive-in or walk-up service, where only checks may be paid, deposits received, deposits withdrawn, change made, exchange made, bank money orders issued, safe deposit boxes maintained and rented, loans made and loan payments received.

2. No such bank or trust company may maintain or operate:

(1) More than two such facilities separate and apart from its banking house at the same time; excepting facilities required by the United States government to be maintained by it as financial agent of the government on government reservations solely for military and other government personnel, but nothing in this section shall be construed to authorize any bank or trust company organized under the laws of this state to establish or maintain such facilities as financial agent of the government on government reservations; or

(2) Such a facility outside the limits of the city, town or village or unincorporated community in which its banking house is located nor outside the county in which the bank or trust company's banking house is located, even if the limits of such city, town, village or unincorporated community extend across county lines, except as otherwise provided by law; or

(3) Such facility located closer than four hundred feet to the main banking house of another then existing banking institution unless such facility is located closer to the main banking house of the banking institution operating the facility than it is to the main banking house of any other then existing banking institution, or unless the banking institutions affected consent thereto in writing; or

(4) Such facility separate and apart from its banking house without having first obtained the approval of the director of finance of the state of Missouri.

3. Whenever any such bank or trust company desires to maintain and operate a facility separate and apart from its banking house, pursuant to this section, or to move a facility previously established under this section to another location, it shall apply to the director of finance for such authority and provide the director with such relevant information as he may reasonably request. In determining whether or not to approve the application for the facility, the director shall take into consideration the following facts:

(1) The convenience, needs and welfare of the people of the community and area served;

(2) The financial strength of the banking institution making application for the facility in relation to the cost of establishing and maintaining the facility;

(3) Whether other banking institutions will be seriously injured by the approval of the application for the facility at the location specified.

4. If the director of finance is not satisfied and denies the application, the action of the director in granting or denying any such application may be appealed from and be reviewed in the same manner as action by him pursuant to section 362.040 may be appealed from the reviewed.

5. Nothing contained in this section shall be deemed to authorize the maintenance or operation of a branch bank or a branch trust company in contravention of the prohibition contained in section 362.105.

6. National banking associations located in this state have the same but no greater right under or by virtue of this section as banks and trust companies organized under the laws of this state.

Approved June 8, 1978.

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[S. C. S. H. C. S. H. B. 896 and 897]

**BUSINESS AND FINANCIAL INSTITUTIONS: Escheats of certain unclaimed property.**

AN ACT to repeal sections 362.390 and 362.395, RSMo 1969, relating to escheats of certain unclaimed property, and to enact in lieu thereof four new sections relating to the same subject.

## SECTION

1. Enacting clause.  
 362.390. Report of unclaimed deposits, dividends and interest.  
 362.395. Report to be published—affidavit to be filed with director—cost of publication—become abandoned funds—transfer to state treasurer—abandoned fund account, payment and transfers from.

## SECTION

- 362.396. Effect of transfer to state treasurer—claims may be filed, when, to whom.  
 362.397. Claims made, procedure—payment may be ordered or denied.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section 1. Enacting clause.—Sections 362.390 and 362.395, RSMo 1969 are repealed and four new sections enacted in lieu thereof, to be known as sections 362.390, 362.395, 362.396 and 362.397, to read as follows:

362.390. Report of unclaimed deposits, dividends and interest.—1. In the month of September in every seventh year, and beginning in September, 1978, and on or before the tenth day thereof, every national bank or trust company, every federal and state credit union, every federal and state savings and loan association, and every state bank or trust company shall make a written report, in the case of a bank or trust company to the director of the division of finance, in the case of a savings and loan to the director of the division of savings and loan supervision, and in the case of a credit union to the director of the division of credit unions, verified by the oaths of the president or vice president and cashier or assistant cashier or secretary or assistant secretary, containing a true and accurate statement of all deposits made with the company, except any deposits held in a fiduciary capacity, and all dividends declared and interest accrued upon any of its deposits or other evidences of indebtedness, which on the first day of August preceding the report amounted to fifty dollars or over and had remained unclaimed by any person or persons authorized to receive the same for a period of seven years.

2. The statement shall set forth the date of each deposit, its amount and the name and last known place of residence or post office address of the person making it, the name of each person in whose favor and the time when the dividend may have been declared or the interest may have accrued, its amount, and upon what number of shares or upon what amount of deposit or other evidences of indebtedness of the company it was declared or accrued.

3. If the company holds no such unclaimed deposits, dividends or interest, it shall at the time above specified make a written report to the director so stating, which report shall be verified as hereinabove provided.

4. No deposits, dividends or interest shall be deemed unclaimed within the meaning of this section if it appears from the books of the company or from other written evidence on file with the company that the person or persons authorized to receive them have knowledge thereof.

362.395. Report to be published—affidavit to be filed with director—cost of publication—become abandoned funds—transfer to state treasurer—abandoned fund account, payment and transfers from.—1. Every company which reports any unclaimed deposits, dividends or interest under the provisions of section 362.390 shall cause to be published once in each week for two successive weeks in a newspaper qualified to publish public notices as provided in chapter 493, RSMo, published in the county, or if no such qualified newspaper is published in the county, then in a county adjacent to such county, and in the village or city in which the company is located, if there be a qualified newspaper published therein, or in the city of St. Louis if the company is located there, a true copy

of the report, and shall file with the director on or before the first day of October thereafter proof by affidavit of such publication.

2. The expense of the publication shall be paid by the company, and, on or before the first day of August in that year, the company shall mail, postage prepaid, to each person authorized to receive the unclaimed deposit, dividend or interest, at his last known place of residence or post office address, a statement showing the amount to which the person is entitled and requesting written acknowledgment thereof, together with a warning that failure to acknowledge will result in the state making claim and taking possession of such deposit, dividend, and interest, subject to the claims, supported by proof, of the apparent owner. The company may reimburse itself for its expenses by deducting the amount thereof from the sums due the person or persons who shall not have made written acknowledgment before the filing of the required reports with the director, so that such expenses are uniformly deducted from sums not acknowledged.

3. Each claim for deposits, dividends and interest where the last known address of the apparent owner of the claim is in this state or where no address of the apparent owner of the claim appears on the records of the company for which no acknowledgment is received within one hundred eighty calendar days after mailing of the statement shall become abandoned funds. For the purposes of this act, one hundred eighty calendar days after the mailing of the statement, is the date funds are first presumed abandoned. Within thirty days after the funds are first presumed abandoned, each company shall transfer such abandoned funds to the state treasurer, and refile their written report with the director of the division, deducting the expenses and deleting such funds that were acknowledged.

4. Within thirty days of the receipt of such abandoned funds, the state treasurer shall record the name and the last known address of each person appearing from the company's reports to be entitled to the abandoned funds, cause to be mailed to the last known address of the apparent owner of the abandoned funds a notice that the state of Missouri has claimed the abandoned funds along with an outline of the apparent owner's rights, and cause such funds to be deposited in a special fund to be known as the "Abandoned Fund Account". Records made herein shall be available for public inspection at all reasonable business hours.

5. From the fund created by this act the treasurer shall make prompt payment of claims duly allowed by the director as hereinafter provided. At any time when the balance of the fund exceeds five hundred thousand dollars, the treasurer may, and at least once every fiscal year shall, transfer to the general funds of the state of Missouri the balance of the abandoned property fund which shall exceed five hundred thousand dollars. Should any claim be allowed or refund ordered under the provisions of this act in excess of five hundred thousand dollars, the treasurer shall transfer from the general funds of the state any amount appropriated which is sufficient for prompt payment of the claim.

**362.396. Effect of transfer to state treasurer—claims may be filed, when, to whom.—**1. The payment or delivery of such abandoned funds to the state treasurer, whether voluntary or required, by any company shall terminate any legal relationship between the company and the apparent owner to receive the deposits, dividends or interest, and shall release and discharge the company from any and all liability to apparent owner or his heirs, personal representatives, successors and assigns by the delivery or payment, regardless of whether the

funds are in fact and in law abandoned property, and the delivery and payment may be pleaded as a bar to recovery and shall be a conclusive defense in any suit or action brought by the apparent owner, or his heirs, personal representatives, successors or assigns, or any claimant against the company by reason of the delivery or payment. Nothing contained in this section shall be construed as an assumption by the state or the state treasurer of any liability of the company to the apparent owner authorized to receive the same, which is greater than the value of the funds at the time of delivery to the state treasurer together with interest on such funds for the period held by the state treasurer at the same rate, if any, which was contracted for, nor as depriving the apparent owner, his heirs, personal representatives, successors and assigns of the right of redemption provided in this act.

2. The state treasurer shall reimburse any company which is a national bank or trust company, a federal credit union, or federal savings and loan, and which cannot be relieved of liability by this section for all liability to the apparent owner, his heirs, personal representatives, successors and assigns incurred by reason of any delivery or payment to the extent of the value of the deposits, together with interest on such funds for the period held by the state treasurer at the same rate, if any, which was contracted for, on the date on which it was paid or delivered to the state treasurer.

3. Any person claiming an interest in any such abandoned funds paid or delivered to the state treasurer under this act may file a claim thereto on a form prescribed by the director, together with reasonable proof which the director may specify by rule. A claim may be filed at any time within twenty-one years after the date on which such abandoned funds were first presumed abandoned pursuant to the terms of this act, notwithstanding the expiration of any other period of time specified by statute or court order during which an action or proceeding may be commenced or enforced to obtain payment of the deposits.

**362.397. Claims made, procedure—payment may be ordered or denied.—**

1. The director shall promptly consider any claim filed in proper form and supported by proof as required by this act and shall allow or disallow it within ninety days after its filing. If he is satisfied with the proof submitted, that the claim is valid, he shall immediately allow the same, subject to the provisions of subsection 5 of this section, and process the same for payment. If the director is not satisfied that such claim is valid, he shall disallow the claim and notify the claimant in writing, by service in person, or by registered or certified mail, return receipt requested. The written notice of disallowance shall specify the reasons for the disallowance.

2. Any claimant whose claim is disallowed is entitled to submit additional proofs or, within forty-five days after he receives notice of disallowance, request a hearing. A hearing shall be held within ninety days after the director's receipt of the request for hearing unless there is a postponement or continuance for good cause. The hearing held pursuant to this section shall be held by the director or his representative or deputy duly designated in writing. All of the pertinent provisions of chapter 536, RSMo, compatible with the provisions of this act, shall apply to and govern the hearing, including the power and the authority of the director or his duly designated representative or deputy in conducting the hearing in the administrative procedures in connection with and following the hearing, except that;

(1) if the claim in question was located in a county within this state im-



mediately before delivery or payment thereto to the state treasurer, the hearing shall be held in that county;

(2) an order of the duly designated representative or deputy of the director who conducts the hearing shall have the same force and effect as the director.

3. After the hearing and the consideration of all the testimony, evidence and record in the case the director or the director's duly designated representative or deputy shall make and enter an order deciding the claim in question. The order shall be accompanied by a findings of fact. A copy of the order and accompanied findings shall be served upon all parties and their attorneys of record, if any, in person or by registered or certified mail. The director shall also cause a notice to be served with the copy of the order, which notice shall advise the parties of their rights to judicial review, in accordance with the provisions of section 536.100, RSMo. The order of the director or duly designated representative or deputy shall be final unless vacated or modified upon judicial review thereby in accordance with the provisions of section 536.100, RSMo.

4. The order and the accompanying findings of fact shall be public records. When a claim is allowed by the director or his duly designated representative or deputy, whether with or without hearing, the same shall be paid by the state treasurer forthwith from any funds appropriated for this purpose without deduction for cost of notice of sale or for administrative charges, subject to the provisions of subsection 5 of this section.

5. Any other provisions of this act to the contrary notwithstanding, where it appears that the person entitled to allowance of a claim, his heirs, legal representatives, successors or assigns or the holders in due course of negotiable instruments would not have the benefit or use or control of the claim due him or where special circumstances make it appear desirable that payments should be withheld, or where it appears that the person entitled to the money or property is a resident or national of a foreign country, and the federal statutes or federal regulations preclude the sending of moneys from the federal treasury to such person, the director may deny the claim and direct that the money be held for the apparent owner or his heirs, legal representatives, successors or assigns, or the person who may thereafter appear entitled thereto. The deposits shall be paid out only by further order of the director or a court of competent jurisdiction.

Approved April 27, 1978.

[Revision S. B. 745]

#### **BUSINESS AND FINANCIAL INSTITUTIONS: Consumer credit loans.**

AN ACT to repeal section 367.100, RSMo 1969, relating to consumer credit loans, and to enact in lieu thereof one new section relating to the same subject.

##### **SECTION**

###### **1. Enacting clause.**

##### **SECTION**

###### **367.100. Definitions.**

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 367.100, RSMo 1969 is repealed and one new section enacted in lieu thereof, to be known as section 367.100, to read as follows:

**367.100. Definitions.**—As used in sections 367.100 to 367.200:

(1) "Consumer credit loans" shall mean loans for the benefit of or use by an individual or individuals:

(a) Secured by a security agreement or any other lien on tangible personal property or by the assignment of wages, salary or other compensation; or

(b) Unsecured and whether with or without comakers, guarantors, endorsers or sureties;

(2) "Director" shall mean the director of the division of finance or such agency or agencies as may exercise the powers and duties now performed by such director;

(3) "Lender" shall mean any person engaged in the business of making consumer credit loans. A person who makes an occasional consumer credit loan or who occasionally makes loans but is not regularly engaged in the business of making consumer credit loans shall not be considered a lender subject to sections 367.100 to 367.200;

(4) "Person" shall include individuals, partnerships, associations, trusts, corporations, and any other legal entities, excepting those corporations whose powers emanate from the laws of the United States and those which under other law are subject to the supervisory jurisdiction of the director of the division of finance of Missouri, the director of the division of credit unions or of the director of the division of savings and loan supervision of Missouri;

(5) "Supervised business" shall mean the business of making consumer credit loans, as herein defined, of money, credit, goods, or things in action.

Approved May 3, 1978.

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[S. B. 795]

**BUSINESS AND FINANCIAL INSTITUTIONS: Publication of financial statements for saving and loan associations.**

AN ACT to repeal section 369.104, RSMo Supp. 1977, relating to publication of financial statements for savings and loan associations, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

**1. Enacting clause.**

**SECTION**

**369.104. Publication of financial statement.**

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 369.104, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 369.104, to read as follows:

**369.104. Publication of financial statement.**—Every association shall publish annually, within thirty days after the end of its fiscal year, in a newspaper of general circulation in the county in which its home office is located, and shall deliver to each member upon application therefor, a statement of its financial condition in the form prescribed by the director of the division of savings and loan supervision.

Approved April 25, 1978.

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[Revision S. B. 746]

**BUSINESS AND FINANCIAL INSTITUTIONS: Credit unions.**

AN ACT to real sections 370.220, RSMo 1969, and 370.107, RSMo Supp. 1975, relating to credit unions, and to enact in lieu thereof eighteen new sections relating to the same subject.

## SECTION

1. Enacting clause.  
 370.005. Director defined.  
 370.071. Additional powers of a credit union.  
 370.107. Annual fee—how computed.  
 370.220. Duties of credit committee—credit manager authorized—delegation of loan authority, when—extension of credit, when.  
 370.365. Central credit union defined—how formed—fee, how determined.  
 370.370. Credit union share guaranty corporations authorized.  
 370.371. Credit union share guaranty corporations, organized, how.  
 370.372. Purpose of credit union share guaranty corporations.

## SECTION

- 370.373. Powers of corporations.  
 370.374. Directors, number elected, how.  
 370.375. Annual examination, cost of, how paid.  
 370.376. Bylaws, how amended.  
 370.377. Domestic credit unions must become members of share guaranty corporations—federal and foreign credit unions to join.  
 370.378. Membership fees, how computed.  
 370.379. Membership fee deemed part of reserves.  
 370.380. Special assessments, when authorized, how computed.  
 370.381. Waiver of annual assessment, when.  
 370.382. Corporation rules authorized.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 370.220, RSMo 1969, and 370.107, RSMo Supp. 1975 are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381, and 370.382, to read as follows:

**370.005. Director defined.**—As used in this chapter, the term "director" means the director of the division of credit unions of the department of consumer affairs, regulation and licensing.

**370.071. Additional powers of a credit union.**—A credit union may have the following additional powers:

(1) To contract for group insurance plans, approved by the state of Missouri, on behalf of members electing to participate in such insurance programs, which charge participating members, in addition to the cost of the programs, a fee which does not exceed the direct and indirect costs incident to providing this service;

(2) To exercise such additional powers, with the approval of the director, as federally chartered credit unions may be authorized under federal statutes;

(3) To hold membership in central credit unions whose field of membership includes credit unions, and to invest funds in shares of corporations to aid the liquidity of credit unions.

**370.107. Annual fee—how computed.**—On or before November fifteenth of each fiscal year, every credit union operating under the laws of this state shall pay to the department of revenue a fee based on the total assets of the credit union as of September thirtieth of the preceding fiscal year according to the following table:

Total Assets	Fee
Less than \$15,000 .....	\$10.50.
Over \$15,000 and not over \$50,000 .....	\$10.50 plus 70 cents per \$1,000 in excess of \$15,000.
Over \$50,000 and not over \$200,000 .....	\$35.00 plus 60 cents per \$1,000 in excess of \$50,000.
Over \$200,000 and not over \$500,000 .....	\$125.00 plus 50 cents per \$1,000 in excess of \$200,000.

Over \$500,000 and not over \$1,000,000 .....	\$275.00 plus 40 cents per \$1,000 in excess of \$500,000.
Over \$1,000,000 and not over \$2,000,000 .....	\$475.00 plus 30 cents per \$1,000 in excess of \$1,000,000.
Over \$2,000,000 and not over \$3,000,000 .....	\$775.00 plus 20 cents per \$1,000 in excess of \$2,000,000.
Over \$3,000,000 and not over \$5,000,000 .....	\$975.00 plus 10 cents per \$1,000 in excess of \$3,000,000.
Over \$5,000,000 .....	\$1,175.00 plus 5 cents per \$1,000 in excess of \$5,000,000.

In addition to the foregoing fees, the director may assess each credit union an additional amount the total of which assessments together with the fees above provided shall equal the budget of the office of the director of the division of credit unions when such budget exceeds the expected receipts from the fees; and this additional assessment shall be known as a surcharge, which shall in no year exceed sixty percent of the fee paid by credit unions according to the fee schedule above; provided, however, that the percentage of surcharge assessed in any one year shall be the same rate for all credit unions. The shares of one credit union which are owned by another credit union shall be excluded from the assets of the first credit union for the purpose of computing the supervisory fee levied pursuant to this section.

**370.220. Duties of credit committee—credit manager authorized—delegation of loan authority, when—extension of credit, when.**—1. The credit committee shall approve every loan or advance made by the credit union to its members.

2. Every application for a loan shall be in writing, on a form prepared by the board of directors, and shall state the purpose for which the loan is desired and the security, if any, offered.

3. Security must be taken for any loan in excess of five thousand dollars; endorsement of a note or assignment of shares in any credit union shall be deemed security within the meaning of this section.

4. No loan shall be made unless it has received the unanimous approval of the members of the committee present when the loan was considered, which number shall constitute at least a majority of the committee. However, in the case of any credit union having total assets in excess of fifty thousand dollars, the board of directors may authorize the credit committee to appoint a credit manager. The credit manager, subject to the supervision of the committee, may be delegated authority by the credit committee to act on all or some applications for loans and to approve them, reporting thereon to the credit committee within fifteen days.

5. An applicant for a loan may appeal to the directors from the decision of the credit committee, if it is so provided in the bylaws, and in the way and manner therein provided.

6. The credit committee shall meet as often as may be required after due notice has been given to each member.

7. Notwithstanding any other provisions in this chapter, the credit committee may delegate to the treasurer, or manager, the power to make loans to members provided the amount of any one such loan shall not exceed one hundred dollars and the period of any such loan shall not exceed thirty days.

8. The credit committee or, when authorized, a loan officer may approve in advance upon its or his own motion or upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extensions of credit. When an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee shall, at least once a year, review, or cause to be reviewed, all extensions of credit and any extension of credit shall expire if the member becomes more than ninety days delinquent in his obligation to the credit union.

**370.365. Central credit union defined—how formed—fee, how determined.—**

1. A "central credit union" is one organized for the primary purpose of serving other credit unions; except that, where the dollar amount of shares held by credit unions and associations of credit unions shall fall below seventy-five percent of the total shareholdings, the director may suspend the privilege of operating as a central credit union.

2. A central credit union may be chartered in the same manner as are all other credit unions, except that, the field of membership shall be limited to credit unions, associations of credit unions and other persons expressly identified in the bylaws; and further, central credit unions may invest in the shares of other credit unions including other central credit unions, may purchase loans from credit unions, may borrow up to five times its capital, surplus and reserve fund, may lend to each member no more than twenty-five percent of its assets, and may be required to insure its deposits only when so ordered by the director.

3. When a central credit union is organized under this section, the director, in lieu of other fees, shall charge the actual and necessary costs of examination, not to exceed three thousand dollars, to the central credit union.

**370.370. Credit union share guaranty corporations authorized.—**Notwithstanding any provisions of this chapter, there may be organized "credit union share guaranty corporations" which shall comply with the provisions of sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382.

**370.371. Credit union share guaranty corporations, organized, how.—**A credit union share guaranty corporation may be organized by the duly authorized representatives of not less than twenty-five credit unions chartered and existing under this chapter or by an association of credit unions where such association is composed of a majority of the credit unions chartered and in existence under this chapter. Application to form a guaranty corporation shall be made in writing to the director of the division of credit unions. The application shall be accompanied by a certificate of organization, proposed bylaws and a fee of five hundred dollars, together with the names of the applicants who shall have agreed to subscribe to membership in the corporation. When the director finds that the application is in order and in compliance with the provisions of this section, the director shall charter the corporation which may begin operations as a not for profit corporation when the charter and bylaws have been filed with the secretary of state. In all respects, except as otherwise provided in sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382, the provisions of chapter 355, RSMo, shall apply to the corporations organized hereunder.

**370.372. Purpose of credit union share guaranty corporations.—**The general purpose of the not for profit corporations organized under sections 367.100, 370.005,

370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382 shall be to aid and to assist member credit unions which develop financial problems such as insolvency, nonliquidity and liquidation, irrespective of the cause, and to assist member credit unions in the process of merger or consolidation, in order that the shares of each member of member credit unions shall be protected and guaranteed to the total amount of the members' shares and deposits up to a total of fifty thousand dollars in shares and deposits for each member of an insured member credit union and up to a total of fifty thousand dollars in deposits for each nonmember depositor.

**370.373. Powers of corporation.**—A corporation may make contracts; sue and be sued; adopt, use and display a corporate seal; advance funds to aid member credit unions to operate and to meet liquidity requirements; assist in the orderly liquidation of credit unions; receive money or property from its member credit unions, or any corporation, association or person; invest its funds in the same manner as provided for credit unions in this chapter, except that such investments shall not exceed eighty percent of the outstanding capital of a corporation; borrow money from any source, upon such terms and conditions as the directors of the corporation may determine to accomplish the purposes of sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381, and 370.382; purchase in its own name, hold and convey real and personal property; receive by assignment or purchase from its member credit unions any notes, mortgages, real estate, securities or other assets; adopt and amend bylaws, rules and regulations for the corporation, for the purpose of carrying out the purposes of sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382; enter into agreements which aid the corporation in the accomplishment of its purposes with similar entities organized under federal statutes or the statutes of another state; and enter into agreements for reinsurance.

**370.374. Directors, number elected, how.**—The corporation's business shall be conducted by the incorporators who shall serve until the organizational meeting of the corporation at which time not less than seven directors shall be elected by the members of the corporation in accordance with the bylaws. Each member shall have one vote in the election of directors and in all other business transacted at meetings of the corporation.

**370.375. Annual examination, cost of, how paid.**—Each corporation organized under sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382 shall be subject to the supervision of and an annual examination by the director, the cost of which shall be paid by the corporation.

**370.376. Bylaws, how amended.**—The bylaws of a corporation and any amendments thereto shall be submitted to the director for his approval. These bylaws may be amended at any regular or special meeting of the directors or at any annual meeting of the corporation.

**370.377. Domestic credit unions must become members of share guaranty corporations—federal and foreign credit unions to join.**—1. All credit unions chartered and existing under this chapter shall become members of a credit union share guaranty corporation; credit unions operating under federal charter or

chartered by another state, and corporations and associations wholly owned by or composed of credit unions, may become members, upon application to and approval of the directors, of a credit union share guaranty corporation. Each state-chartered credit union must file its application for membership in the corporation within one year of September 28, 1977. Any credit union whose application for membership is not approved by the corporation must reapply for membership within one year of the date on which the trustees refused to approve the initial application. The director of the division of credit unions shall order the liquidation of any credit union whose application for membership is not approved within three years from September 28, 1977. Any state-chartered credit union whose shares are insured by the National Credit Union Administration on September 28, 1977, may continue to be so covered, but shall, upon termination of such insurance coverage, forthwith apply for coverage under sections 367.100, 370.005, 370.071, 370.107, 370.220, 370.365, 370.370, 370.371, 370.372, 370.373, 370.374, 370.375, 370.376, 370.377, 370.378, 370.379, 370.380, 370.381 and 370.382.

2. A state-chartered credit union may, notwithstanding the foregoing requirement to become a member of a credit union share guaranty corporation, in the alternative apply to and have the shares of its members insured by the National Credit Union Administration. If, at any time, a state-chartered credit union whose shares are covered by a credit union share guaranty program applies to and has the shares of its members insured by the National Credit Union Administration, its insurance with a credit union share guaranty corporation may be terminated, with the prior approval of the director.

**370.378. Membership fees, how computed.**—The membership fee in a corporation for each credit union member shall be five dollars, or one-half of one percent of the outstanding shares and deposits of the member credit union, whichever is greater. The membership fee, when paid by the individual member credit union, shall be established as a prepaid asset. The membership fee shall be recomputed for each credit union annually on or before December thirty-first based on the total of the credit union's outstanding shares and deposits as of the close of the fiscal year each September thirtieth. The corporation shall collect from or refund to each credit union an amount so that on each December thirty-first the membership fee paid by the credit union to the corporation shall equal one-half of one percent of the outstanding shares and deposits of the member credit union for the fiscal year ending on September thirtieth next before such annual recomputation of the membership fee. The membership fee of each member credit union shall be refunded to each member credit union when the unencumbered funds of the corporation reach two percent of the aggregate total share and deposit capital of the member credit unions of a corporation, as determined from the corporation's annual report, which shall include a summary of member credit unions' financial statements. These refunds shall be paid to the then existing credit unions. The directors of the corporation shall by rule determine the membership fee for non-credit union members. In computing the total shares and deposits corporate accounts in excess of fifty thousand dollars may be excluded.

**370.379. Membership fee deemed part of reserves.**—A member credit union's membership fee in a corporation shall be considered as part of its reserves as required by section 370.320.

**370.380. Special assessments, when authorized, how computed.**—A regular annual assessment, not to exceed one-twelfth of one percent of the member credit union's share and deposit capital, shall be levied by the directors. In the event of potential impairment of a corporation's capital funds, special assessments may be

levied by the directors with the approval of the director of the division of credit unions. The member credit union's share and deposit capital as of September thirtieth in each year shall be the basis for computing the assessment due on the first day of the calendar year next following; however, the directors may determine another date on which the annual assessment shall become due and payable. The annual assessment, and any special assessment, when paid by the member credit union, shall be a charge to its reserve fund.

**370.381. Waiver of annual assessment, when.**—The directors may reduce or waive the annual assessment, with the approval of the director of the division of credit unions, when the total funds of a corporation equal four percent of the aggregate total share capital of member credit unions.

**370.382. Corporation rules authorized.**—A corporation may issue necessary rules to insure the safety of the funds and to set minimum standards to be met by insured credit unions.

Approved May 3, 1978.

[S. B. 657]

**BUSINESS AND FINANCIAL INSTITUTIONS: Membership in development finance corporations and types of stock which corporations and banks may own.**

AN ACT to repeal sections 371.120 and 371.250, RSMo 1969, relating to membership in development finance corporations and types of stock which corporations and banks may own, and to enact in lieu thereof two new sections relating to the same subject.

**SECTION**

1. Enacting clause.  
371.120. Members of corporation to be financial institutions—loans by members, limits.

**SECTION**

371.250. Corporations and banks may own stock or securities of company, securities exempt.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 371.120 and 371.250, RSMo 1969, are repealed and two new sections enacted in lieu thereof, to be known as sections 371.120 and 371.250, to read as follows:

**371.120. Members of corporation to be financial institutions—loans by members, limits.**—1. The members of the corporation shall consist of such financial institutions as make application for membership in the corporation and membership becomes effective upon the acceptance of the application by the board of directors.

2. Financial institutions shall include but not be limited to national and state banks, trust companies, federal and state savings and loan associations or corporations, public or private pension or retirement funds, stock or mutual insurance and surety companies or related corporations, partnerships, foundations or any other entity now or hereafter engaged in lending or investing funds.

3. Each member shall lend funds to the corporation pursuant to the commitment of the member as and when called upon by the corporation to do so, but the total amount on loan by any members at any one time shall not exceed the following limit to be determined as of the time it became a member and shall thereafter be annually readjusted in the event of any change in the base of the loan limit of such member:



(1) National and state banks and trust companies, two percent of capital and surplus;

(2) Federal and state savings and loan associations or corporations, not in excess of limits fixed and prescribed by regulations established by the Division of Savings and Loan Supervision;

(3) Stock insurance companies, two percent of capital and surplus;

(4) Surety and casualty companies, two percent of capital and surplus;

(5) Mutual insurance companies, two percent of guaranty fund or of surplus whichever is applicable;

(6) For all other financial institutions such limits as may be approved by the board of directors of the corporation.

4. All loan limits shall be established at the thousand dollar nearest to the amount computed on an actual basis.

5. All cash for funds which members are committed to lend to the corporation shall be prorated among the members in the same proportion that the commitment of each bears to the aggregate commitment of all members.

6. Upon written notice given sixty days in advance, a member of the corporation may withdraw from membership in the corporation at the expiration date of such notice and after the expiration date shall be free of obligations hereunder except those accrued or committed by the corporation prior to the expiration date.

7. All loans to the corporation by members shall be evidenced by bonds, debentures, notes or other evidences of indebtedness of the corporation which shall be freely transferable at all times and which bear interest at a rate of not less than one-fourth of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof in the city of St. Louis on unsecured commercial loans.

8. Notwithstanding the provisions of any other law, the capital stock, notes or other evidences of indebtedness of a corporation established by this chapter, issued in accordance with and by virtue of this chapter and the corporation's by-laws, shall be proper investments for the financial institutions which become members. However, no loan limit established in this section shall limit the extension of credit or investment by a financial institution made on a secured or unsecured basis pursuant to the legal loan limit of the financial institution but the membership limit shall be deducted from the legal loan limit of the financial institution when the limits are prescribed by law to determine the net available legal loan limit of the member financial institution.

9. Any financial institution in subsection 2 of this section may lend funds on a temporary basis to a corporation with which it has entered into a credit agreement but the aggregate amount which the corporation is authorized to borrow pursuant to the provisions of this subsection shall at no time exceed the sum of the balance at the time available to be borrowed by the corporation from all member financial institutions and the amount at the time available to be borrowed by the corporation from other sources, and each note evidencing the loan shall mature not more than one year from the date thereof.

10. Except on membership borrowings, nothing herein contained shall preclude the corporation and any member thereof from entering into a separate contract for a rate of interest different than that hereinabove provided.

**371.250. Corporations and banks may own stock or securities of company, securities exempt.**—Notwithstanding any rule at common law or any provision of any law or any provision in their respective charters, agreements of association, articles of organization, certificates of incorporation, or trust indentures:

(1) All domestic corporations organized for the purpose of carrying on

business within this state, including, without implied limitation, any railroad or transportation corporation, and all trusts, are authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of any corporation established by this chapter and, while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of this state;

(2) All banking organizations are hereby authorized to become members of any corporation established by this chapter and to make loans to any such corporation as provided herein;

(3) A banking organization which does not become a member of a corporation established by this chapter shall not acquire any shares of the capital stock of such corporation;

(4) Each banking organization which becomes a member of a corporation established by this chapter is authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities or other evidences of indebtedness issued by such corporation or the shares of its capital stock and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of this state; except that the amount of capital stock of such corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member as provided by law. The amount of capital stock of such corporation which any member is authorized to acquire pursuant to the authority granted herein shall be in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire;

(5) The bonds, securities or other evidences of indebtedness, and shares of capital stock of a corporation established pursuant to this chapter shall be exempt from the provisions of chapter 409, RSMo, and all rules promulgated thereunder.

Approved May 3, 1978.

[H. B. 1302]

#### **BUSINESS AND FINANCIAL INSTITUTIONS: Property and casualty insurance.**

**AN ACT** relating to the collection and analysis of data in connection with property and casualty insurance and to provide for review of town grading schedules for residential fire insurance by the Director of Insurance.

##### **SECTION**

1. Definitions.
2. Reports of premiums and loss data required, when—director may review.
3. Director to be notified of changes in town grading schedules—may set aside, when.

##### **SECTION**

4. Product liability insurance reports required — when — contents — certain information not to be disclosed.
5. Insurers not liable because of compliance.
6. Time for compliance may be waived or extended.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Definitions.**—Unless otherwise clearly indicated by the context, the following words and terms as used in sections 1 to 3 of this act shall mean:

(1) "Homeowners' insurance", a policy of insurance on a one or two family owner-occupied premise which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy

form at a single premium, where the insurer's liability for damage to the premise under said policy is determined with reference to the premise's replacement value.

(2) "Dwelling-owners' insurance", a policy of insurance on a one or two family owner-occupied premise which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability, for damage to the premise under said policy is determined with reference to the premise's actual cash value.

(3) "Renters' or tenants' insurance", a policy of insurance on a single or multiple family premise which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability for damage to the contents of the premise under said policy is determined with reference to the contents' actual cash value.

(4) "Residential fire insurance", a policy of insurance which provides fire coverage or fire and allied lines coverage on a residential premise within one policy form, where the insurer's liability for damage to the premise under said policy is determined with reference to the premise's actual cash value.

(5) "Insurer", any insurance company, reciprocal or interinsurance exchange, licensed and authorized by the director to write homeowners' insurance, dwelling-owners' insurance, renters' or tenants' insurance, or residential fire insurance upon property located within this state.

(6) "Director", the director of the division of insurance.

**Section 2. Reports of premiums and loss data required, when—director may review.**—1. The director shall establish statistical bases for the reporting of premium and loss data under policies of homeowners' insurance, dwelling-owners' insurance, renters' or tenants' insurance, or residential fire insurance.

2. Each insurer shall annually report to the director all premium and loss data under policies of homeowners' insurance, dwelling-owners' insurance, renters' or tenants' insurance, or residential fire insurance as the director may require.

3. The director shall have the authority to review and verify the accuracy of the data reported.

**Section 3. Director to be notified of changes in town grading schedules—may set aside, when.**—Whenever any insurer, group, association or other organization of insurers, or rating organization shall change any town grading schedule used in connection with the development of rates under policies of homeowners' insurance, dwelling-owners' insurance, renters' or tenants' insurance, or residential fire insurance written upon property located within this state, such change shall be filed with the director of the division of insurance. The director of the division of insurance may set aside any change in town grading schedules that he finds is not supported by substantial evidence and credible data acquired under sections 1 to 3 of this act.

**Section 4. Product liability insurance reports required—when—contents—certain information not to be disclosed.**—1. As used in this act "product liability insurance" or "product liability policy" means:

(1) any policy of insurance insuring only the insured's legal obligation arising from the product liability exposure of the insured;

(2) any other policy of liability insurance in which the premium computation includes a specific premium charge for product liability exposures of the insured; and

(3) any other insurance policy designated by the commissioner of insurance as providing product liability insurance.

2. Every insurer authorized to transact business in this state and providing product liability insurance shall on the first day of January of each year in which said insurer actually provides product liability insurance in Missouri or within sixty days thereafter file with the director of insurance a report containing the information hereinafter specified; provided, however, insurers are not required to report product liability information pursuant to this act for business incidental to the operation of affiliated companies or organizations. Such report shall be made upon forms provided by the director of insurance and shall request the following information:

- (1) The name of the insurance company;
- (2) The name of all other companies associated with the company submitting the report, as either a holding company, parent, wholly owned subsidiary, division, or through interlocking directorates;
- (3) All the lines of insurance a company offers in all states;
- (4) The states in which the company has been admitted for product liability insurance;
- (5) The total premium dollar amount collected for all lines of insurance in Missouri and in all states in each of the five calendar years next preceding the initial report or in the year next preceding the filing of each annual report thereafter;
- (6) The dollar amount collected each year in product liability premiums in Missouri and in all states beginning with calendar year 1978;
- (7) The amount in dollars of product liability premiums for primary coverage and for excess coverage in Missouri and in all states;
- (8) The amounts shown in answer to subdivision (6) which include premises and operations insurance or any other insurance delivered as part of a package which cannot be considered exclusively product liability insurance and the amounts which are nonproduct liability insurance. Such amounts shall be listed separately for amounts relating to experience in all states and amount relating to experience in Missouri only;
- (9) Whether or not the company sets reserves for product liability claims filed;
- (10) Whether or not the company sets reserves for product liability claims for losses which have been incurred but not reported;
- (11) All reserves established in connection with the company's product liability line;
- (12) How dollars reserved are treated in each of the categories listed in subdivisions (9), (10), and (11) for federal income tax purposes;
- (13) The value of the securities held in the company's investment portfolio as of December thirty-first of the year next preceding the filing of each annual report.

3. In addition, each company shall report to the director of insurance for the year next preceding the filing of each annual report, beginning with the annual report for 1978, any claim or action for damages for personal injury, death or property damage claimed to have been by reason of a defect in such insured's product, if the claim resulted in:

- (1) A final judgment in any amount;
- (2) A settlement in any amount; or
- (3) A final disposition not resulting in payment on behalf of the insured.

Every insurer authorized to transact business in this state shall be subject to the

provisions of this section in regard to claims against policies issued to Missouri insureds, regardless of the jurisdiction under which these claims were adjudicated, settled or otherwise disposed of. Every insurer authorized to transact business in this state shall be subject to the provisions of this section in regard to claims adjudicated, settled or disposition made pursuant to the laws of this state regardless of the domicile of the insured.

4. The reports required by subsection 3 shall contain:

- (1) The city and state of the insured;
- (2) Type of product;
- (3) Rating classification code of product liability coverage;
- (4) Date of occurrence which created the claim, including the state or other jurisdiction under whose jurisdiction the claim was adjudicated, settled, or disposition made;

(5) Date of suit if filed;

- (6) Date and amount of judgment or settlement, if any, and the parties involved in the distributions of such judgment or settlement and the amount received by any such party;

(7) Date and reason for final disposition if no judgment or settlement;

(8) A summary of the occurrence which created the claim;

(9) Total number of claims;

(10) Total claims closed without payment;

(11) Total claims closed with payment;

(12) Total amount of payments;

(13) Total number of suits filed;

(14) Total number of verdicts or judgments for defendants;

(15) Total number of verdicts or judgments for plaintiffs;

(16) Total amount for plaintiffs; and

(17) Such other information as the director may require.

5. With respect to amounts paid in claims for the year next preceding the filing of each annual report, each company shall provide the following information:

(a) Total amounts reserved with respect to those claims;

(b) The year in which the reserves were set; and

(c) The amounts set in each year.

6. The director of insurance shall make reports required hereunder available to the public in a manner which will not reveal the names of any person, manufacturer or seller involved.

**Section 5. Insurers not liable because of compliance.**—There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer reporting hereunder or its agents or employees, or the director of insurance of the director's employees, for any action taken by them pursuant to this act.

**Section 6. Time for compliance may be waived or extended.**—The director may waive or extend time of compliance for reporting requirements under this act for any insurer upon showing that such requirements would cause the insurer undue expense or that an unreasonable amount of time would be required to comply with the requirements.

Approved June 7, 1978.

[H. B. 1447]

**BUSINESS AND FINANCIAL INSTITUTIONS: Unfair and deceptive acts in the business of insurance.**

AN ACT to repeal sections 375.930, 375.932, 375.934, 375.938, 375.940, 375.942, 375.946 and 375.948, RSMo 1969, and 375.936, RSMo Supp. 1976, relating to unfair and deceptive acts in the business of insurance, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

## SECTION

1. Enacting clause.
- 375.930. Declaration of purpose.
- 375.932. Definitions.
- 375.934. Unfair competition and deceptive practices prohibited.
- 375.936. Unfair practices defined.
- 375.937. Lenders, duties—prohibited acts.
- 375.938. Director may investigate companies.
- 375.940. Procedure on charges or belief of unfair practices—hearings, subpoenas, service of notice.

## SECTION

- 375.942. Desist order for prohibited practices, modification—final order, when.
- 375.946. Violation of desist order, penalty.
- 375.948. Powers of director in addition to others.
2. Health services corporation, subject to provisions concerning unfair practices—included in insurance activities, when, exceptions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 375.930, 375.932, 375.934, 375.938, 375.940, 375.942, 375.946 and 375.948, RSMo 1969, and 375.936, RSMo Supp. 1976, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 375.930, 375.932, 375.934, 375.936, 375.937, 375.938, 375.940, 375.942, 375.946, 375.948, and 2, to read as follows:

**375.930. Declaration of purpose.**—The purpose of sections 375.930 to 375.948 is to regulate trade practices in the business of insurance in accordance with the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), by defining all such practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined.

**375.932. Definitions.**—When used in sections 375.930 to 375.948

(1) "Director" shall mean the director of the division of insurance, department of consumer affairs, regulation and licensing of this state;

(2) "Person" shall mean any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance, including agents, agencies, brokers and adjusters. "Person" shall also mean medical service plans and hospital service plans as defined in section 354.010, RSMo, provided however, that medical service plans and hospital service plans shall not include self-insurance plans by corporations and businesses. For purposes of this act only, such medical and hospital service plans shall be deemed to be engaged in the business of insurance. "Person" shall include all companies organized, incorporated or doing business under the provisions of chapters 375, 376, 377, 378, 379, 381 and 383, RSMo;

(3) "Insurance policy" or "insurance contract" shall mean any contract or solely for the purposes of section 375.930 to 375.948 any certificate of insurance.

**375.934. Unfair competition and deceptive practices prohibited.**—No person shall engage in this state in any trade practice which is defined in sections 375.930 to 375.948 as an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

**375.936. Unfair practices defined.**—The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) "Misrepresentations and false advertising of insurance policies", making, issuing, circulating, or causing to be made, issued or circulated, any estimate,

illustrations, circular or, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any insurance policy;

(b) Misrepresents the dividends or share of the surplus to be received on any insurance policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy;

(d) Is misleading or misrepresents the financial condition of any person, or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof;

(f) Is a misrepresentation for the purpose of inducing or intending to induce the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy;

(g) Is a misrepresentation for the purpose of effecting a pledge or assignment of or effects a loan against any insurance policy; or

(h) Misrepresents any insurance policy as being shares of stock;

(2) "False information and advertising generally", making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business which is untrue, deceptive or misleading;

(3) "Defamation", making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of any person, and which is calculated to injure such person;

(4) "Boycott, coercion, intimidation", entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in an unreasonable restraint of, or monopoly in, the business of insurance;

(5) "False statements and entries"

(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition or dealings of a person;

(b) Knowingly making any false entry of a material fact in any book, report or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report or statement of such person, or knowingly making any false statement to any public official;

(6) "Stock operations and advisory board contracts", issuing or delivering or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7) "Unfair discrimination"

(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract;

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever, including any unfair discrimination by not permitting the insured full freedom of choice in the selection of any duly licensed physician, surgeon, optometrist, chiropractor, dentist, pharmacist, pharmacy, or podiatrist;

(8) "Rebates"

(a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, life annuity, accident and health insurance or other insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering or to give, sell, or purchase as inducement to such insurance contract or annuity or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract;

(b) Nothing in subdivision (7) or paragraph (a) of subdivision (8) of this section shall be construed as including within the definition of discrimination or rebates any of the following practices:

a. In the case of any contract of life insurance or life annuity, paying bonuses to nonparticipating policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance; provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interest of the company and its policyholders;

b. In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses;

c. Readjustment of the rate premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) "Unfair claims settlement practices", committing or performing any of the following with such frequency as to indicate a business practice.

(a) Misrepresenting insurance policy provisions relating to coverages at issue;

(b) Failing to acknowledge and act reasonably promptly considering all the circumstances upon written or oral communications with respect to claims arising under insurance policies;

(c) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;



(d) Refusing to pay claims without conducting a reasonable investigation based upon all available information where material facts are in dispute;

(e) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed and communicated to the company or its representatives;

(f) Not attempting in good faith to effectuate prompt, fair and equitable settlement of claims in which the company's liability under the policy has become reasonable clear; provided the provisions of this paragraph (f) shall apply only to policy contractual obligations of an insurer to its insured and shall not include liability claims where the questions of negligence, fault or the amount of damages resulting from such negligence or fault, are in issue;

(g) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds; provided the provisions of this paragraph (g) shall apply only to policy contractual obligations of an insurer to its insured and shall not include liability claims where the question of negligence, fault, or the amount of damages resulting from such negligence or fault, are in issue;

(h) Referring to written or printed advertising material accompanying or made part of an application for insurance with the intent to settle a claim for less than the amount due;

(i) Attempting to settle or compromise claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(j) Failing, after payment of a claim, to inform insureds or beneficiaries, upon request by them of the coverage under which payments are being made; provided this provision does not apply where the instrument issued in payment clearly discloses the coverage under which payment is made;

(k) Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) Delaying the investigation or payment of health and accident claims by requiring an insured, claimant, or the health care provider of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; provided the provisions of this paragraph (m) shall apply only to policy contractual obligations of an insurer to its insureds and shall not include liability claims where the question of negligence, fault, or the amount of damages resulting from such negligence or fault, are in issue;

(n) Failing to promptly provide, in relation to the facts or applicable law, a reasonable explanation, based on the insured policy for denial of a claim or for the offer of compromise settlement;

(10) "Failure to maintain complaint handling procedures", failure of any person to maintain a complete record of all the complaints which it has received for a period of not less than three years. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the time it took to process each

complaint. For purposes of this subsection, "complaint" shall mean any written communication primarily expressing a grievance;

(11) "Misrepresentation in insurance applications", making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money, or other benefit from any insurers, agents, agencies, brokers, or other persons;

(12) Any violation of section 375.445.

**375.937. Lenders, duties—prohibited acts.—1.** No person may require as a condition precedent to the lending of money or extension of credit, or any renewal thereof, that the person to whom such money or credit is extended or whose obligation a creditor is to acquire or finance, negotiate any contract of insurance or renewal thereof through a particular insurer or group of insurers or agent, broker or group of agents or brokers.

2. No person who lends money or extends credit may:

(1) Unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection shall not be deemed unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for rejection of an insurance contract because the contract contains coverage in addition to that required in the credit transaction;

(2) Require that any borrower, mortgagor, purchaser, insurer, broker or agent pay a separate charge, in connection with the handling of any contract of insurance required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another. This subdivision does not include the interest which may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit documents;

(3) Use or disclose, without the prior written consent of the borrower, mortgagor, or purchaser taken at a time other than the making of the loan or extension of credit, information relative to a contract of insurance which is required by the credit transaction, for the purpose of replacing such insurance;

(4) Require any procedures or conditions of duly licensed agents, brokers or insurers not customarily required of those agents, brokers or insurers affiliated or in any way connected with the person who lends money or extends credit.

3. Every person who lends money or extends credit and who solicits insurance on real and person property subject to subsection 2 of this section must explain to the borrower in writing that the insurance related to such credit extension may be purchased from an insurer or agent of the borrower's choice, subject only to the lender's right to reject a given insurer or agent as provided in subdivision (1) of subsection 2 of this section. Compliance with disclosures as to insurance required by truth-in-lending laws or comparable state laws shall be in compliance with this subsection.

4. The director shall have the power to examine and investigate those insurance related activities of any person which may be in violation of this section. Any affected person may submit to the director a complaint or material pertinent to the enforcement of this section.

5. Nothing herein shall prevent a person who lends money or extends credit from placing insurance on real or personal property in the event the mortgagor, borrower or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

6. Nothing contained in this section shall apply to credit life or credit accident and health insurance.

7. For purposes of this section "person" includes any individual, corporation, association, partnership, or other legal entity.

**375.938. Director may investigate companies.**—The director shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by sections 375.934 and 375.937.

**375.940. Procedure on charges or belief of unfair practices—hearings, subpoenas, service of notice.**—1. Whenever the director shall have reason to believe that any person has been engaged or is engaging in this state in any unfair method of competition or any unfair or deceptive act or practice, or that any person domiciled in or resident of this state is engaging in any other state, territory, possession, province, country, or district in any such unfair method of competition or in any unfair or deceptive acts or practices in the conduct of such business, as set forth in sections 375.936 and 375.937, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and serve upon such person a statement of the charges in that respect and a notice of hearing thereon to be held at a time and place fixed in the notice which shall not be less than twenty days after the date of service thereof.

2. At the time and place fixed for such hearing, such person shall have an opportunity to be heard to show cause why an order should not be made by the director requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the director shall permit any person to intervene, appear and be heard at such hearing by counsel or in person. Nothing herein shall preclude the informal disposition of any case by stipulation, consent order, or default, or by agreed settlement where such settlement is in conformity with law.

3. Nothing contained in sections 375.930 to 375.948 shall required the observance at any such hearing of formal rules of pleading or evidence.

4. Upon such hearing, the director shall have power to examine and cross-examine witnesses, receive oral and documentary evidence, administer oaths, subpoena witnesses and compel their attendance, and require the production of books, papers, records, correspondence and all other written instruments or documents which he deems relevant to the inquiry. The director, upon any such hearing, shall cause to be made a record of all the evidence and all the proceedings had at such hearing. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the circuit court of Cole county or the county where such party resides, or may be found, on application of the director, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as a contempt thereof.

5. Statements of charges, notices, orders, and other processes of the director under sections 375.930 to 375.948 may be served by anyone duly authorized by the direct or either in the manner provided by law for service of process in civil actions, or by registering or certifying and mailing a copy thereof to the person affected by such statement, notice order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order or other process, setting forth the manner

of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

**375.942. Desist order for prohibited practices, modification—final order, when.**

—1. If, after such hearing, the director determines that the person complained of has engaged in an unfair method of competition, or in an unfair or deceptive act or practice in violation of sections 375.930 to 375.948, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act or practice proven at such hearing, and thereafter the director may, at his discretion, institute an action to suspend or revoke the person's license or certificate of authority if the person knew or reasonably should have known that he was in violation of sections 375.934 to 375.937.

2. Until the expiration of the time allowed under section 375.944 for filing a petition for judicial review if no such petition has been duly filed within such time, the director may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

3. After the expiration of the time allowed for filing such a petition for review if no such petition has been duly filed within such time, the director may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

4. An order issued by the director under this section shall become final:

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the director may thereafter modify or set aside his order to the extent provided in this section; or

(2) Upon the final decision of the court if the court directs that the order of the director be affirmed or the petition for review dismissed.

5. No order of the director under sections 375.930 to 375.948 or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this state.

6. Nothing contained in sections 375.930 to 375.948, shall be construed to prohibit the director and the person from agreeing to a voluntary forfeiture without proceedings being instituted. Any sum so agreed upon shall be paid into the school fund as provided by law for other fines and penalties.

**375.946. Violation of desist order, penalty.**—Any person who violates a cease and desist order of the director under section 375.942, while such order is in effect, may, after notice and hearing, and upon order of the director, be subject to either or both of the following:

(1) A monetary penalty of not more than five thousand dollars for each and every act or violation; or

(2) An action to suspend or revoke such person's license or certificate of authority.

**375.948. Powers of director in addition to others.**—The powers vested in the director by sections 375.930 to 375.948 shall be additional to any other powers to enforce any penalties, fines or forfeitures authorized by law with respect to the methods, acts and practices hereby declared to be unfair or deceptive.

**Section 2. Health services corporation, subject to provisions concerning unfair practices—included in insurance activities, when, exceptions.**—Notwithstanding the provisions of section 354.015, RSMo, all health services corporations heretofore or hereafter organized under the provisions of chapter 354, RSMo, shall be subject to all duties, obligations and penalties imposed by sections 375.930 to 375.948, RSMo. For the purposes of this act only "business of insurance" or "insurance business" shall include any activity in connection with the establishment and operation of the business of a health services corporation as defined by subdivision (4) of section 354.010, RSMo; provided, however, that nothing in this act shall be construed to limit the right of a health service corporation to determine the classes of persons who shall be eligible to become members or beneficiaries, the kinds or amounts of health services it will furnish and the manner in which services will be provided to its members or to mean that any health services corporation authorized to do business under section 354.060, RSMo, shall be subject to any other law of this state relating to insurance or insurance companies.

Approved June 8, 1978.

[Revision S. B. 744]

**BUSINESS AND FINANCIAL INSTITUTIONS: Assessment plan medical malpractice insurance.**

**AN ACT** to repeal section 383.010, RSMo Supp. 1975, relating to assessment plan medical malpractice insurance, and to enact in lieu thereof one new section relating to the same subject and in addition relating to assessment plan general liability insurance.

**SECTION**

1. Enacting clause.

**SECTION**

383.010. Authority to form for medical malpractice insurance—who may form such business entity.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 383.010, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 383.010, to read as follows:

**383.010. Authority to form for medical malpractice insurance—who may form such business entity.**—Notwithstanding any direct or implied prohibitions in chapters 375, 377, or 379, RSMo, any three or more persons, residents of this state, being licensed under the provisions of chapters 330, 331, 332, 334, 335, 336, or 338, RSMo, may, as provided in sections 383.010 to 383.040, form a business entity for the purpose of providing malpractice insurance or indemnification for any such person upon the assessment plan, and upon compliance with section 379.260, liability and automobile insurance as defined in subdivisions (1) and (3) of section 379.230, may be provided upon the assessment plan to those persons licensed pursuant to chapter 197, RSMo, and for whom medical malpractice insurance is provided under this section; provided, however, automobile insurance shall be provided only for ambulances as defined in section 190.100, RSMo. Hospitals, public or private, whether incorporated or not, as defined in chapter 197, RSMo, if licensed by the state of Missouri, may also become members of any such entity, and the term "persons" as used in sections 383.010 to 383.040 includes such hospitals.

Approved May 3, 1978.

[S. B. 691]

**INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Certain motor vehicles regulated by the Public Service Commission.**

AN ACT to repeal section 390.030, RSMo Supp. 1975, relating to certain motor vehicles regulated by the public service commission, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

390.030. Vehicles exempted.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 390.030, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 390.030, to read as follows:

**390.030. Vehicles exempted.**—1. The provisions of sections 390.011 to 390.176 shall not apply to:

- (1) Private carriers;
- (2) School buses;
- (3) Taxicabs;
- (4) Motor vehicles while being used exclusively to transport;
  - (a) Stocker and feeder livestock from farm to farm, or from market to farm,
  - (b) Farm or dairy products including livestock from a farm or dairy to a creamery, warehouse or other original storage or market,
  - (c) Agricultural limestone or fertilizer to farms,
  - (d) Property from farm to farm,
  - (e) Raw forest products from farm to market with one intermediate stop for intervening processing; or
  - (f) Cotton, cottonseed, and cottonseed hulls;
- (5) Motor vehicles of a carrying capacity of not to exceed five persons, or one ton of freight, when operated under contract with the federal government for carrying the United States mail and when on a trip provided in the contract;
- (6) Motor vehicles used solely in the distribution of newspapers from the publisher to subscribers or distributors;
- (7) Motor vehicles while being used under contract or otherwise for the state of Missouri or any civil subdivision thereof;
- (8) Freight-carrying motor vehicles duly registered and licensed in conformity with the provisions of chapter 301, RSMo. for a gross weight of six thousand pounds or less;
- (9) The transportation of passengers or property for hire wholly within a municipality, or between contiguous municipalities, or within a commercial zone as defined in section 390.020, or within a commercial zone established by the commission pursuant to the provisions of subsection 4 of section 390.041; provided, the exemption in this subdivision shall not apply to motor carriers of persons operating to, from or between points located wholly or in part in counties now or hereafter having a population of more than three hundred thousand persons, where such points are not within the same municipality and to motor carriers of commodities in bulk, in tank or hopper type vehicles, and in a commercial zone as defined herein or by the commission;
- (10) Street railroads as defined in section 386.020, RSMo;
- (11) Motor vehicles, which are domiciled and licensed in another state, and whose operations in the state of Missouri are interstate in character and are limited exclusively to a municipality and its commercial zone;
- (12) Motor vehicles, commonly known as tow trucks or wreckers, designed

and exclusively used in the business of towing or otherwise rendering assistance to abandoned, disabled or wrecked vehicles.

2. Nothing contained in this section shall be deemed to exempt the vehicles of driveway operators or vehicles licensed in conformity with the provisions of chapter 301, RSMo, for a gross weight of nine thousand pounds or less; provided, however, if any carrier operated vehicle licensed for a gross weight of six thousand pounds or less in bona fide for-hire service between certain points or in a particular area on January 1, 1971, and has so operated such vehicles in regular service in such area since that time, it shall be issued a certificate authorizing such operations of vehicles licensed for a gross weight of nine thousand pounds or less without furnishing additional proof that public convenience and necessity will be served by such operations, and without further proceedings, if application for such certificate is made to the commission as provided in subsection 2 of section 390.051, and within six months after September 28, 1971. Otherwise, the application shall be issued or denied according to the other provisions of said section. Pending the determination of an application by a carrier who has operated vehicles licensed for a gross weight of six thousand pounds or less in bona fide for-hire service between certain points or in a particular area on January 1, 1971, and has so operated such vehicles in regular service in such areas since that time, the continuance of such operation shall be lawful.

Approved April 27, 1978.

[H. B. 1325]

**INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Exemption in the regulation of motor carriers and express companies by Public Service Commission.**

AN ACT to repeal section 390.030, RSMo Supp. 1975, relating to certain exemption in the regulation of motor carriers and express companies by the public service commission, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

390.030. Vehicles exempted.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Section 390.030, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 390.030, to read as follows:

**390.030. Vehicles exempted.**—1. The provisions of sections 390.011 to 390.176 shall not apply to:

- (1) Private carriers;
- (2) School buses;
- (3) Taxicabs;
- (4) Motor vehicles while being used exclusively to transport:
  - (a) Stocker and feeder livestock from farm to farm, or from market to farm,
  - (b) Farm or dairy products including livestock from a farm or dairy to a creamery, warehouse or other original storage or market,
  - (c) Agricultural limestone or fertilizer to farms,
  - (d) Property from farm to farm, or

(e) Raw forest products from farm to market with one intermediate stop for intervening processing;

(5) Motor vehicles of a carrying capacity of not to exceed five persons, or one ton of freight, when operated under contract with the federal government for carrying the United States mail and when on a trip provided in the contract;

(6) Motor vehicles used solely in the distribution of newspapers from the publisher to subscribers or distributors;

(7) Motor vehicles while being used under contract or otherwise for the state of Missouri or any civil subdivision thereof;

(8) Freight-carrying motor vehicles duly registered and licensed in conformity with the provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;

(9) The transportation of passengers or property for hire wholly within a municipality, or between contiguous municipalities, or within a commercial zone as defined in section 390.020, or within a commercial zone established by the commission pursuant to the provisions of subsection 4 of section 390.041; provided, the exemption in this subdivision shall not apply to motor carriers of persons operating to, from or between points located wholly or in part in counties now or hereafter having a population of more than three hundred thousand persons, where such points are not within the same municipality and to motor carriers of commodities in bulk, in tank or hopper type vehicles, and in a commercial zone as defined herein or by the commission;

(10) Street railroads as defined in section 396.020, RSMo;

(11) Motor vehicles, which are domiciled and licensed in another state, and whose operations in the state of Missouri are interstate in character and are limited exclusively to a municipality and its commercial zone;

(12) Motor vehicles, commonly known as tow trucks or wreckers, designed and exclusively used in the business of towing or otherwise rendering assistance to abandoned, disabled or wrecked vehicles.

(13) Motor vehicles while being used solely by a group of employees to commute to and from their place or places of employment, except that the motor vehicle must be driven by a member of the group.

2. Nothing contained in this section shall be deemed to exempt the vehicles of driveway operators or vehicles licensed in conformity with the provisions of chapter 301 RSMo, for a gross weight of nine thousand pounds or less; provided, however, if any carrier operated vehicles licensed for a gross weight of six thousand pounds or less in bona fide for-hire service between certain points or in a particular area on January 1, 1971, and has so operated such vehicles in regular service in such area since that time, it shall be issued a certificate authorizing such operations of vehicles licensed for a gross weight of nine thousand pounds or less without furnishing additional proof that public convenience and necessity will be served by such operations, and without further proceedings, if application for such certificate is made to the commission as provided in subsection 2 of section 390.051, and within six months after September 28, 1971. Otherwise, the application shall be issued or denied according to the other provisions of said section. Pending the determination of an application by a carrier who has operated vehicles licensed for a gross weight of six thousand pounds or less in bona fide for-hire service between certain points or in a particular area on January 1, 1971, and has so operated such vehicles in regular service in such areas since that time, the continuance of such operation shall be lawful.

Approved June 1, 1978.



[S. C. S. H. B. 1126]

**INCORPORATION AND REGULATION OF PUBLIC UTILITIES: Joint Municipal Utility Commission Act.**

AN ACT relating to the creation by municipalities of joint power commissions to effect the joint development of water, gas, electric light works, heating and power plants and to provide for the issuance of revenue bonds, with an effective date conditional on the adoption by the voters of a constitutional amendment authorizing such creation.

**SECTION**

1. Short title.
2. Definitions.
3. Municipalities may form commissions—purposes—contents of contract—board of directors.
4. Powers of commissions.
5. Commissions to be bodies corporate and politic.
6. Bonds issued to be revenue bonds only—form of bonds.
7. Requirements of resolution authorizing bonds.
8. Additional security for bonds issued may be given, how.
9. Certain taxes applicable.
10. Refunding bonds may be issued.
11. Bonds legal investments for enumerated purposes.

**SECTION**

12. Bonds may be repurchased.
13. Election on issuance of bonds—required actions—notice—conduct of election—form of ballot.
14. Public Service Commission Law applicable.
15. Purchase agreements authorized—terms—not to constitute debt.
- 386.025. Joint municipal utility commissions to be considered utility corporations.
- 393.295. Provisions of chapters 386 and 393, RSMo, applicable to joint municipal utility commissions.
  - A. Act not effective until passage of joint resolution.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Short title.**—This act shall be known as the "Joint Municipal Utility Commission Act".

**Section 2. Definitions.**—As used in this act, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

- (1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations or a commission issued pursuant to this act;
- (2) "Commission", any joint municipal utility commission established by a joint contract under this act;
- (3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission under this act;
- (4) "Joint contract", the contract entered into among or by and between two or more contracting municipalities for the purpose of establishing a commission;
- (5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;
- (6) "Project", the purchasing, construction, extending or improving of any revenue producing water, gas or electric light works, heating or power plants including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, or interchange of water, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

**Section 3. Municipalities may form commissions—purposes—contents of contract—board of directors.**—1. Municipalities may by joint contract, establish a separate governmental entity to be known as a joint municipal utility commission, to effect the joint development of water, gas, or electric light works, heating and power plants, or production, distribution and transmission of electric power and energy in whole or in part for the benefit of the inhabitants of such municipalities.

2. Any joint contract establishing a commission under this section shall specify:

(1) The name and purpose of the commission and the functions or services to be provided by the commission;

(2) The establishment and organization of a governing body of a commission which shall be a board of directors in which all powers of the commission are vested. The joint contract may provide for the creation by the board of an executive committee of the board to which the powers and duties may be delegated as the board shall specify;

(3) The number of directors, the manner of their appointment, terms of office and compensation, if any, and the procedure for filling vacancies on the board. Each contracting municipality shall have the power to appoint one member and an alternate to the board of directors and shall be entitled to remove that member and alternate at will;

(4) The manner of selection of the officers of the commission and their duties;

(5) The voting requirements for action by the board, but, unless specifically provided otherwise, a majority of directors shall constitute a quorum and a majority of the quorum shall be necessary for any action taken by the board;

(6) The duties of the board which shall include the obligation to comply or to cause compliance with this section and the laws of the state and in addition, with each and every term, provision and covenant in the joint contract creating the commission on its part to be kept or performed;

(7) The manner in which additional municipalities may become parties to the joint contract by amendment;

(8) The ownership interests of the contracting municipality electric cooperative associations, municipally owned or public utilities in a project or the manner of determining such ownership interest, which ownership interest shall be subject to any mortgage of a project pursuant to section 8 of this act;

(9) Provisions for the disposition, division or distribution of any property or assets of the commission on dissolution; and

(10) The term of the joint contract, which may be a definite period or until rescinded or terminated, and the method, if any, by which the joint contract may be rescinded or terminated so long as the commission has no bonds outstanding, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security instrument securing the bonds.

3. A commission shall, if the joint contract so provides, be the successor to any non-profit corporation, agency, or another entity theretofore organized by the contracting municipalities to provide the same function, service or facility, and the commission shall be entitled to all rights and privileges and shall assume all obligations and liabilities of such other entity under existing contracts to which such other entity is a party.

**Section 4. Powers of commissions.**—The general powers of a commission to the extent provided in section 3 herein and subject to the provisions of section 14 herein shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities, or acquire any interest in or any rights to capacity of a project, within or outside the state and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy provided however, the commission shall not have the power or authority to erect, own use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the Public Service Commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(4) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(5) Employ agents and employees;

(6) Contract with any person within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(7) Purchase, sell, exchange, transmit or distribute water, gas, heat or electric power and energy, or any bi-product resulting therefrom, within and outside the state in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, or transmission, on such terms and for such period of time as its board of directors shall determine. A commission may not sell or distribute water, gas, heat or power and energy at retail to ultimate customers outside the boundary limits of its contracting municipalities;

(8) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(9) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(10) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(11) Sue and be sued in its own name;

(12) Have and use a corporate seal;

(13) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(14) Make, and from time to time, amend and repeal, by-laws, rules and

regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(15) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(16) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(17) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(18) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

**Section 5. Commissions to be bodies corporate and politic.**—Any commission established by joint contract under this section shall constitute a political subdivision and body public and corporate of the state, exercising public powers, separate from the contracting municipalities. It shall have the duties, privileges, immunities, rights, liabilities and disabilities of a public body politic and corporate but shall not have taxing power nor shall it have the benefit of the doctrine of sovereign immunity.

**Section 6. Bonds issued to be revenue bonds only—form of bonds.**—1. Bonds issued pursuant to this act by a commission shall be payable, as to principal and interest, solely from the net revenues derived by the commission from the operation of the commission's project or projects, after providing for the costs of operation and maintenance of the commission's project or projects, or from any other funds made available to the commission from sources other than from proceeds of taxation.

2. Each bond issued pursuant to the provisions of this act shall contain a statement that such bond is not an indebtedness of the state, or of any political subdivision thereof, other than the joint power commission, or of the contracting municipalities, but shall be special obligations of the commission only and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof, or of the contracting municipalities is pledged to the payment of or the interest on such bonds. The bonds shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. Neither the members of the board of directors of a commission nor any person executing the bonds shall be liable personally on the bonds by reason of the lawful issuance thereof.

3. A commission, subject to the provisions of section 13 of this act, may from time to time issue its bonds in such principal amounts as it deems necessary to provide sufficient funds to purchase, construct, extend or improve a project, including the establishment or increase of reserves, interest accrued during construction of such project and for a period not exceeding one year after the completion of construction of such project, and the payment of all other costs or expenses of the commission incident to and necessary or convenient to carry out its corporate purposes and powers.

4. Bonds of a commission shall be authorized by resolution of the board of directors and may be issued under such resolution or under a trust indenture or other security instrument, as authorized by the resolution, in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon, registered or both, carry such conversion or registration

privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places within or without the state, and be subject to such terms or redemption, with or without premium, as such resolution, trust indenture or other security instrument may provide, and without limitation by the provisions of any other law limiting amounts, maturities or interest rates.

5. The bonds shall be sold at public sale and in the event of a rejection of all bids by the commission, the bonds may be sold at private sale as the commission may provide and at such price or prices as the commission shall determine.

6. The bonds may be signed by manual or facsimile signatures as determined by resolution of the board. In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such obligations, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officers had remained in office until such delivery.

7. Pending preparation of definitive bonds, a commission may issue temporary bonds which shall be exchanged for the definitive bonds when such bonds shall have been executed and are available for delivery.

8. All bonds issued under the provisions of this act shall be negotiable instruments under the provisions of the uniform commercial code of the state.

**Section 7. Requirements of resolution authorizing bonds.**—1. The resolution authorizing any issuance of bonds hereunder shall make provision for the payment of the bonds by fixing such rates, fees and charges for water, gas, heat, electric power and energy and all other services sufficient to pay the interest and principal of the bonds when due, to provide for a sinking fund sufficient to retire the bonds, and to provide and maintain reasonable reserves. Such rates, fees and charges shall also be sufficient to pay the costs of operation, improvement and maintenance of the water, gas, heat or electric power facilities.

2. The resolution and trust indenture under which any bonds shall be issued shall constitute a contract with the holders of the bonds, and may contain provisions, among others, as to:

- (1) The terms and provisions of the bonds;
- (2) As provided in section 8 of this act, the mortgage or pledge of and the grant of a security interest in any real or personal property and all or any part of the revenues from any project or projects or any revenue producing contract or contracts made by the commission with any person to secure the payment of bonds, subject to such agreements with the holders of bonds as may then exist;
- (3) The custody, collection, securing, investment and payment of any revenues, assets, money, funds or property with respect to which the commission may have any rights or interest;
- (4) The purposes to which the proceeds from the sale of any bonds then or thereafter to be issued may be applied, and the pledge of such proceeds to secure the payment of the bonds;
- (5) Limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds;
- (6) The rank or priority of any bonds with respect to any lien or security;
- (7) The creation of special funds or moneys to be held in trust or otherwise for operating expenses, payment, or redemption of bonds, reserves or other purposes, and the use and disposition of moneys held in such funds;
- (8) The procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds

the holders of which must consent thereto, and the manner in which such consent may be given;

(9) The definition of the acts or omissions to act which shall constitute a default in the duties of the commission to holders of its bonds, and the rights and remedies of such holders in the event of such default including, if the commission shall so determine, the right to accelerate the due date of the bonds or the right to appoint a receiver or receivers of the property or revenues subject to the lien of the resolution and trust indenture;

(10) Any other or additional agreements with or for the benefit of the holders of bonds or any covenants or restrictions necessary or desirable to safeguard the interests of such holders;

(11) The custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance proceeds;

(12) The vesting in a trustee or trustees, within or outside the state, of such properties, rights, powers, and duties in trust as the commission may determine, or limiting or abrogating the rights of the holders of any bonds to appoint a trustee, or limiting the rights, powers, and duties of such trustee; and

(13) Appointing and providing for the duties and obligations of a paying agent or paying agents or other fiduciaries within or outside the state.

**Section 8. Additional security for bonds issued may be given, how.**—As additional security for bonds issued or to be issued by a commission, the commission may mortgage or execute deeds of trust of the whole or any part of a project. Any such mortgage or deed of trust covering the whole or any part of easements or other interests in real estate less than fee simple used in a project, or for the generation or transmission of electric power and energy, and covering fixtures annexed thereto, may be filed in the office of the secretary of state with or as a part of the financing statement covering such fixtures. All filings required under the uniform commercial code to perfect a security interest against the personal property or fixtures of a commission shall be made and maintained in the office of the secretary of state.

**Section 9. Certain taxes applicable.**—1. All bonds issued pursuant to this act and all income or interest thereon shall be exempt from all state taxes, except inheritance, estate, and transfer taxes.

2. All property, real and tangible personal, acquired by the bonds issued pursuant to this act or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes to the same extent as bridge and public utility companies under the provisions of section 153.030 RSMo and 138.420 RSMo.

**Section 10. Refunding bonds may be issued.**—Any commission governed by the provisions of this act having issued bonds under this act may from time to time as authorized by resolution of the commission issue refunding bonds for the purpose of refunding, extending and unifying the whole or any part of its valid outstanding indebtedness.

**Section 11. Bonds legal investments for enumerated purposes.**—Bonds issued by any commission under the provisions of this act are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control

or belonging to them. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

**Section 12. Bonds may be repurchased.**—A commission shall have power to purchase bonds out of any funds available therefor and to hold, pledge, cancel or resell such bonds, subject to and in accordance with any agreements with the holders.

**Section 13. Election on issuance of bonds—required actions—notice—conduct of election—form of ballot.**—1. The commission shall, in accordance with the provisions of section 115.123, RSMo, order an election to be held whereby the qualified electors in each contracting municipality shall approve or disapprove the issuance of the bonds as provided for in the resolution of the commission. The commission may not order such an election until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings.

2. The commission shall cause notice of the election to be published in accordance with the provisions of section 115.127, RSMo. The election shall be held and judges thereof appointed as in the case of other elections in such contracting municipalities except that the proper elections authorities having charge of the election in each contracting municipality shall provide at least one voting place in each ward of a city, and for that purpose may combine as many election precincts in each ward as in their judgment is proper, and may designate one set of judges to conduct the election for such precincts. Except as provided in this act, the election shall be conducted in the same manner and by the same election officials, judges, clerks, and other office and employees as other elections are conducted.

3. The proper officers of each contracting municipality shall prepare and cause to be printed ballots to be used at the election which shall be in substantially the following form:

#### OFFICIAL BALLOT

Should a resolution to approve the issuance of revenue bonds by the joint municipal (water) (power) (gas) commission in an amount not to exceed \$.... for the purpose of ..... be approved?

Yes ☐

No ☐

If you are in favor of the resolution, place an X in the box opposite "Yes". If you are opposed to the question, place an X in the box opposite "No".

4. Upon the certification of the results of the election by the proper officials of each contracting municipality to the commission, if the resolution to issue the bonds was approved by at least a majority of the qualified electors voting thereon in each of the contracting municipalities voting at the election, the commission shall declare the result of the election and cause the bonds to be issued.

5. The municipalities shall bear all expenses associated with the elections in the contracting municipalities.

**Section 14. Public Service Commission Law applicable.**—All provisions of Chapters 386 and 393, RSMo in reference to the jurisdiction, supervision, powers and duties of the public service commission with reference to water, gas and electrical corporations are hereby made applicable to any commission proposed to be created pursuant to this act which commission proposes to own, operate, control or manage any water, gas or electrical light works, heating or power plant in this state, and said provisions shall have full application thereto.

**Section 15. Purchase agreements authorized—terms—not to constitute debt.**—  
1. The contracting municipalities may provide in the joint contract for payment to the commission of funds for commodities to be procured and services to be rendered by the commission. The contracting municipalities and other persons may enter into purchase agreements with the commission for the purchase, sale, exchange or transmission of water, gas, heat or any right to capacity or interest in such electric power and energy whereby the purchaser is obligated to make payments in amounts which shall be sufficient to enable the company to meet its expenses, interest and principal payments, whether at maturity or upon sinking fund redemption, for its bonds, reasonable reserves for debt service, operation and maintenance and renewals and replacements and the requirements of any rate covenant with respect to debt service coverage contained in any resolution, trust indenture or other security instrument. Purchase agreements may contain such other terms and conditions as the commission and the purchasers may determine, including provisions whereby the purchaser is obligated to pay for water, gas, heat or power irrespective of whether water, gas, heat or energy is produced or delivered to the purchaser or whether any project contemplated by any such agreement is completed, operable or operating, and notwithstanding suspension, interruption, interference, reduction or curtailment of the output of such project. Such agreements may be for a term covering the life of a project or for any other term, or for an indefinite period. The joint contract or a purchase agreement may provide that if one or more of the purchasers defaults in the payment of its obligations under any such purchase agreement, the remaining purchasers which also have such agreements shall be required to accept and pay for and shall be entitled proportionately to use or otherwise dispose of the water, gas, heat or energy to be purchased by the defaulting purchaser.

2. The obligations of a municipality under a purchase agreement with a commission or arising out of the default by any other purchaser with respect to such an agreement shall not be construed to constitute debt of the municipality. To the extent provided in the purchase agreement, such obligations shall constitute special obligations of the municipality, payable solely from the revenues and other moneys derived by the municipality from its municipal utility and shall be treated as expenses of operating a municipal utility.

3. The contracting municipalities may provide in the joint contract for payment to the commission of funds from proprietary revenues for services rendered by the commission; from proprietary revenues or other public funds as contributions to defray the cost of any purpose set forth in the joint contract; and from proprietary revenues or other public funds as advances for any purpose subject to repayment by the commission.

**386.025. Joint municipal utility commissions to be considered utility corporations.**—Any joint municipal utility commission established by contract for the purpose of owning, operating, controlling or managing all or part of any water,



gas or electric light works, heating or power plants, or gas or electrical production, distribution or transmission facilities shall be considered a water corporation, gas corporation or electrical corporation, as the case may be, as those terms are defined in this chapter.

**393.295. Provisions of chapters 386 and 393, RSMo applicable to joint municipal utility commissions.**—All provisions of chapters 386 and 393, RSMo, concerning court proceedings and the jurisdiction, supervision, powers and duties of the Public Service Commission with reference to water corporations, gas corporations and electrical corporations, including, but not limiting by enumeration those provisions concerning supervision, investigations, complaints, hearings, reports, approval of certificates of franchises, granting of certificates, approval of issues of stocks, bonds, notes and other evidence of indebtedness, keeping of accounts, fixing of just and reasonable rates, which shall be based on costs associated with any property of such corporations, shall be and are hereby made fully applicable to any joint municipal utility commission which owns, operates, controls or manages all or part of any water, gas or electric light works, heating or power plants, electrical energy resources or gas or electrical production, distribution or transmission facilities in this state. Nothing contained herein, however, shall affect the rights, privileges or duties of existing corporations pursuant to this chapter, including the construction of facilities within an existing certificated area.

**Section A. Act not effective until passage of joint resolution.**—This act shall not become effective until passage of a joint resolution submitted to the voters by the seventy-ninth general assembly amending Section 27 of Article VI of the Missouri Constitution to authorize the issuance of revenue bonds by joint boards, commissions or officers established by a joint contract between municipalities or political subdivisions.

Approved June 13, 1978.

[H. B. 895]

#### **TRADE AND COMMERCE: Regulation of securities.**

**AN ACT** to repeal sections 409.406, 409.408, 409.410, 409.411, and 409.414 RSMo 1969 and sections 409.202, 409.305, 409.401 and 409.402, RSMo 1977 Supp. relating to the regulation of securities and to enact in lieu thereof nine new sections relating to the regulation of securities and cooperative associations.

#### **SECTION**

1. Enacting clause.
- 409.202. Registration procedure.
- 409.305. Provisions applicable to registration generally.
- 409.401. Definitions.
- 409.402. Exemptions.

#### **SECTION**

- 409.406. Administration of act.
- 409.408. Fraudulent practices, order prohibiting.
- 409.410. Criminal penalties.
- 409.411. Civil liabilities.
- 409.414. Administrative files and opinions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 409.406, 409.408, 409.410, 409.411, and 409.414, RSMo 1969 and sections 409.202, 409.305, 409.401, and 409.402, RSMo 1977 Supp. are repealed and nine new sections are enacted in lieu thereof to be known as sections 409.202, 409.305, 409.401, 409.402, 409.406, 409.408, 409.410, 409.411, and 409.414 to read as follows:

**409.202. Registration procedure.**—(a) A broker-dealer, agent, or investment adviser may obtain an initial or renewal registration by filing with the commis-

sioner an application, together with a consent to service of process pursuant to section 409.415(g) and paying the fee herein prescribed. The application shall contain whatever information the commissioner by rule requires concerning such matters as:

- (1) the applicant's form and place of organization;
- (2) the applicant's proposed method of doing business;
- (3) the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee;
- (4) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and
- (5) the applicant's financial condition and history.

The commissioner may also require such additional information as he deems necessary to establish the qualifications and the good business repute of the applicant. If no denial order is in effect, and no proceeding is pending under section 409.204, registration becomes effective at noon of the thirtieth day after an application is filed. The commissioner may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment.

(b) Every applicant for initial registration as a broker-dealer or as an investment adviser shall pay a filing fee of one hundred dollars; every applicant for renewal registration as a broker-dealer or an investment adviser shall pay a filing fee of fifty dollars; every applicant for initial or renewal registration as an agent shall pay a filing fee of twenty dollars. When an application is denied or withdrawn, the commissioner shall retain the filing fee.

(c) A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(d) The commissioner may by rule require a minimum net capital for registered broker-dealers and investment advisers or a minimum ratio between net capital and aggregate indebtedness, or both.

(e) The commissioner may by rule require registered broker-dealers, agents, and investment advisers to post surety bonds in amounts up to twenty-five thousand dollars and may determine their conditions. Any appropriate deposit of cash or security shall be accepted in lieu of any bond so required. No bond may be required of any registrant whose net capital, which may be defined by rule, exceeds one hundred thousand dollars, or any agent of any such registrant. Every bond shall provide for suit thereon by any person who has a cause of action under section 409.411, and, if the commissioner by rule or order requires, by any person who has a cause of action not arising under this act. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which it is based.

(f) The commissioner may by rule require registered broker-dealers to carry fidelity bonds, covering their employees, general partners, and officers, in such form, covering such risks, and in such amounts (not exceeding two hundred fifty thousand dollars) as he deems necessary for the protection of the public; and he may by rule require registered broker-dealers to furnish him satisfactory evidence that they have such bonds.

**409.305. Provisions applicable to registration generally.**—(a) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every person filing a registration statement shall pay a filing fee of one hundred dollars; in addition, such person shall pay a registration fee equal to one-twentieth of one percent of the amount by which the maximum aggregate offering price at which the registered securities are to be offered in this state exceeds one hundred thousand dollars, but the registration fee shall in no case be more than nine hundred dollars. If a registration statement relates to securities issued by investment companies, investment contracts, annuity contracts or securities of a similar character involving a continuous offering, the maximum aggregate offering price of the securities registered by such registration statement shall not exceed two million dollars. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 409.306, the commissioner shall retain the filing fee. The commissioner may by rule require that the filing fee be paid separately from the registration fee.

(c) Every registration statement shall specify (1) the amount of securities to be offered in this state; (2) the states in which a registration statement or similar document in connection with the offering has been or is to be filed; and (3) any adverse order, judgment, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

(d) Any document filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

(e) The commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(f) The commissioner may by rule or order require, as a condition of registration by qualification or coordination: (1) the deposit in escrow of any security of the issuer of the securities to be registered (i) issued to a promoter within the past three years (ii) to be issued to a promoter, (iii) issued to a promoter for a consideration substantially different from the public offering price within the past ten years or (iv) issued to any person for a consideration other than cash; and (2) that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere. The commissioner may by rule or order determine the conditions of any escrow or impounding required hereunder, but he may not reject a depository solely because of location in another state.

(g) The commissioner may by rule or order require as a condition of registration that any security registered by qualification or coordination be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the commissioner or preserved for any period up to three years specified in the rule or order.

(h) Every registration statement is effective for one year from its effective date, or any longer period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution except during the time a stop order is in effect under section 409.306. A registration statement may be withdrawn only in the discretion of the commissioner.

(i) The commissioner may by rule or order require any issuer whose securities have been registered hereunder to file reports, not more often than quarterly, as may be required to adequately disclose the financial condition and to adequately disclose any changes in management and control of the issuer.

(j) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the commissioner so orders. Every person filing such an amendment shall pay a filing fee, and a registration fee calculated in the manner specified in subsection (b), with respect to the additional securities proposed to be offered.

**409.401. Definitions.**—When used in this act, unless the context otherwise requires:

(a) "Commissioner" means the commissioner of securities.

(b) "Agent" means any individual (including an individual who is a broker-dealer, a partner, officer or director of a broker-dealer, or a person occupying a similar status or performing similar functions) who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by clause (1), (2), (3), (4), (6), (9), (10) or (11) of section 409.402(a), (2) effecting transactions in a security exempted by clause (5) of section 409.402(a), provided such individual prior to the transactions files with the commissioner information on (A) his relationship to the issuer and its affiliates, (B) his proposed methods of soliciting the transactions including sales literature to be used, and (C) commissions and other remuneration he is to receive for effecting the transactions, and such additional information as the commissioner may require, (3) effecting transactions exempted by section 409.402(b), (4) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, or (5) effecting transactions with such other persons as the commissioner may by rule or order designate.

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent (but an individual who is a broker-dealer may also be an agent), (2) an issuer, (3) a bank, savings institution, or trust company, or (4) a person who has no place of business in this state if (A) he effects transactions in this state exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct more than fifteen offers to sell or buy into this state in any manner to persons other than those specified in clause (A), whether or not the offeror or any of the offerees is then present in this state, or (5) such other persons as the commissioner may by rule or order designate.

(d) "Fraud", "deceit", and "defraud" are not limited to common-law deceit.

(e) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(f) "Investment adviser" means any person who, for compensation, engages

in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (1) a bank, savings institution, or trust company; (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (3) a broker-dealer whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; (4) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (5) a person whose advice, analyses, or reports relate only to securities exempted by section 409.402(a)(i); (6) a person who has no place of business in this state if (A) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (A), whether or not he or any of the persons to whom the communications are directed is then present in this state; or (7) such other persons not within the intent of this paragraph as the commissioner may by rule or order designate.

(g) "Issuer" means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or persons performing similar functions or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest or participation in oil, gas, or mining titles or leases, or in payments out of production under such titles or leases there is not considered to be any "issuer".

(h) "Non-issuer" means not directly or indirectly for the benefit of the issuer.

(i) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(j) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a

security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

(k) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after January 1, 1968.

(l) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; limited partnership interest; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; or any contract or bond for the sale of any interest in real estate on deferred payments or on installment plans when such real estate is not situated in this state or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(m) "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico.

(n) "Cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing and /or furnishing farm supplies and/or farm business services; provided, however, that such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

(1) no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, and (2) the association does not pay dividends on stock or membership capital in excess of eight per cent per year, and in any case to the following: (3) the association does not deal in farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members; further all business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association.

**409.402. Exemptions.**—(a) The following securities are exempted from sections 409.301 and 409.403:

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of any state;

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) any security issued by an agricultural cooperative corporation organized under the laws of this state and operated as an agricultural "cooperative association" if the commissioner is notified in writing thirty days, or such shorter period of time as the commissioner may by rule or order specify, before any such security is sold or offered for sale other than in transactions exempted under subsection (b) hereof, which notification shall contain the form of prospectus or other sales literature intended to be used in connection with the offering of such security together with financial statements.

(6) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state;

(7) any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange or any other duly organized stock exchange approved by the commissioner by rule or order; any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association if the commissioner is notified in writing thirty days, or such shorter period of time as the commissioner may by rule or order specify, before any such security is sold or offered for sale other than in transactions exempted under subsection (b) hereof;

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) any security offered, sold, issued, distributed or transferred in connection with an employees' stock ownership, savings, pension, profit-sharing, stock bonus, or similar benefit plan or trust (including a self-employed persons retirement plan), provided, in the case of plans or trusts which are not qualified under Section 401 of the Internal Revenue Code of 1954 and which provide for contributions by employees, if the commissioner is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on January 1, 1968, within sixty days thereafter (or within thirty days before they are reopened if they are closed on January 1, 1968). The commissioner may for good cause shown accept written notification at any time before the issuance of any such security in this state or any security offered, sold, issued, distributed or transferred in connection with an employees' stock purchase or stock option plan. In the case of issuers who do not have a class of securities registered under Section 12 of the Securities Exchange Act of 1934 the commissioner may for good cause shown accept notification in writing before the first issuance of interests or participations under a stock purchase plan or before the first exercise of options under a stock option plan;

(b) The following transactions are exempted from sections 409.301 and 409.403 except that no transaction in a certificate of interest or participation, including a limited partnership interest, in an oil, gas or mining title or lease, or in payments out of production or under such a title or lease shall be so exempted:

(1) any isolated non-issuer transaction, whether effected through a broker-dealer or not;

(2) any non-issuer distribution of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order to buy if the broker-dealer acts as agent for the purchaser and receives no commission or other compensation from any source other than the purchase; but the commissioner may by rule require that the purchaser acknowledge upon a specified form that his order to buy was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby is offered and sold as a unit;



(6) any transaction by an executor, administrator, sheriff, marshall, receiver, trustee in bankruptcy, guardian, or conservator;

(7) any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profitsharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) any transaction by an issuer in a security of its own issue if immediately thereafter the total number of persons who are known to the issuer to have any direct or indirect record or beneficial interest in any of its securities (but not including persons with whom transactions have been exempted by paragraph (8) of this subsection) does not exceed twenty-five and if no commission or other remuneration is paid or given to anyone for procuring or soliciting the transaction;

(10) any transaction by an issuer in a security of its own issue if (A) during the twelve months' period ending immediately after such transaction the issuer will have made no more than fifteen transactions exempted by this paragraph (other than transactions also exempted by paragraphs (8) and (9), and (B) the issuer reasonably believes that the buyer is purchasing for investment and the buyer so represents in writing and (C) no commission or other remuneration is paid or given to anyone for procuring or soliciting the sale; but the commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of prior transactions permitted by clause (A) or waive the conditions in clauses (B) or (C) with or without the substitution of a limitation on remuneration;

(11) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (A) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (B) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days;

(12) any offer (but not a sale) of a security for which registration statements have been filed under both this act and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act;

(13) any non-issuer transaction by a person who does not control, or who is not controlled by or under common control with, the issuer in a security which has been (and securities which are of the same class as securities of the same issuer which have been) either registered for sale under the laws of this state regulating the sale of securities or lawfully sold in this state as a security exempt from such registration;

(14) any non-issuer transaction in a security which at the time of such transaction would be eligible for registration by notification;

(15) any non-issuer transaction by a person who does not control, and is not controlled by or under common control with, the issuer if (i) the transaction is at a price reasonably related to the current market price, and (ii) the security is registered with the Securities and Exchange Commission under Section 12 of the

Securities Exchange Act of 1934 and the issuer files reports with the Securities and Exchange Commission pursuant to Section 13 of that act;

(16) Any patronage distributions of an agricultural cooperative corporation received by a patron or member in the form of capital stock, revolving fund certificate, retain certificate, certificate of indebtedness, letter of advice, or other written notice.

(c) The commissioner may by rule or order exempt from sections 409.301 and 409.403 any other transaction not exempted in subsection (b), and may by order withdraw or condition the exemption as he deems necessary in the public interest.

(d) The commissioner may by order deny or revoke any exemption specified in clause (9) or (11) of subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated section 409.301 or 409.403 by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

(e) The commissioner may by order after a hearing deny or revoke any exemption for a security issued by an agricultural cooperative corporation not qualifying under clause (5) of subsection (a).

(f) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

**409.406. Administration of act.**—(a) This act shall be administered by the commissioner of securities who shall act under the direction of the secretary of state, shall be appointed and shall receive compensation as provided by law.

(b) The staff of the commissioner shall include no fewer than two qualified accountants.

(c) It is unlawful for the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner to use for personal benefit any information which is filed with or obtained by the commissioner and which is not made public. No provision of this act authorizes the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this act. No provision of this act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the secretary of state, the commissioner or any other officers or employees of the secretary of state or of the commissioner.

**409.408. Fraudulent practices, order prohibiting.**—(a) The commissioner may

require any person, who is selling or offering for sale or who is about to sell or offer for sale or who has sold or offered for sale any security within this state, to file a statement of the claim of exemption or exception from a definition, if any, upon which such person is relying, and if at any time, in the opinion of the commissioner, the information contained in such statement filed is misleading, incorrect, inadequate or fails to establish the right of exemption or exception from a definition, he may require such person to file such further information as may in his opinion be necessary to establish the claimed exemption or exception from a definition. The refusal to furnish information as required by order of the commissioner pursuant to the provisions of this subsection, within a reasonable time to be fixed by the commissioner, shall be proper ground for the entry of an order by the commissioner suspending the right to sell such security and/or suspending or cancelling the registration of the broker-dealer, agent or investment adviser.

(b) Whenever it shall appear to the commissioner, either upon complaint or otherwise, that any person in connection with the purchase or sale of any security, including any security exempted under any of the provisions of section 409.402, or in connection with investment advisory activities, is acting or about to act fraudulently therein, or is employing or about to employ any device, scheme, or artifice to defraud or for obtaining money or property by means of any false pretense, representation, or attempting to make in the state of Missouri fictitious or pretended purchases or sales of any such security or to engage in unlawful investment advisory activities, or is engaged in or about to engage in any practice or transaction or course of business relating to the purchase or sale of any such security or the business of an investment adviser which is fraudulent or in violation of law and if the commissioner deems it in the public interest to do so, he may require such person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the subject matter, which he believes it to be in the interest of the public to investigate and may make or have made such further investigation as he may deem necessary, and if the commissioner shall believe, from evidence satisfactory to him, that such person is engaged or about to engage in any of the fraudulent or illegal practices or transactions above in this subsection referred to, he may issue and cause to be served upon such person and any other person or persons concerned or in any way participating in or about to participate in such fraudulent or illegal practices or transactions, an order prohibiting such person and such other person or persons from continuing such fraudulent or illegal practices or transactions or engaging therein or doing any act or acts in furtherance thereof and the commissioner shall have full power in each case to make such order or orders under this section as he may deem just and he may either prohibit the further sale by such person or persons of any securities connected with or related to said fraudulent or illegal practices or transaction, or he may fix the terms and conditions on which the sale of such securities may be made, or he may prohibit such person or persons from acting as an investment adviser, or he may fix the terms and conditions under which such person or persons may act as investment adviser, and it is hereby made unlawful for any person having been served with any such order, or having knowledge of the issuance of said order, and while said order remains in effect, either as originally issued or as modified, to violate any of the provisions thereof.

**409.410. Criminal penalties.**—(a) Any person who willfully violates any provision of this act, except section 409.404, or any person who has been personally served with any cease and desist order under this act who thereafter willfully violates the same, or any person who willfully violates section 409.404, knowing the statement made to be false or misleading in any material respect, shall upon con-

viction be fined not more than five hundred thousand dollars or imprisoned not more than ten years, or both.

(b) The commissioner may refer such evidence as is available concerning violations of this act or of any rule or order hereunder to the attorney general or the proper prosecuting attorney or circuit attorney, who may, with or without such a reference, institute the appropriate criminal proceedings under this act.

(c) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

**409.411. Civil liabilities.—**(a) Any person who

(1) offers or sells a security in violation of section 409.201(a), 409.301, or 409.405(b), or of any rule or order under section 409.403 which requires the affirmative approval of sales literature before it is used, or of any condition imposed under section 409.304(d), 409.305(g), or 409.305(h), or

(2) offers or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission), and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the untruth or omission, is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight percent per year from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. "Damages" is the amount that would be recoverable upon a tender less the value of the security when the buyer disposed of it and interest at eight percent per year from the date of disposition.

(b) Every person who directly or indirectly controls a seller liable under subsection (a), every partner, officer, or director of such a seller, every person occupying a similar status or performing similar functions, every employee of such a seller who materially aids in the sale, and every broker-dealer or agent who materially aids in the sale is also liable jointly and severally with and to the same extent as the seller, unless the non-seller who is so liable sustains the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(c) Any tender specified in this section may be made at any time before entry of judgment.

(d) Every cause of action under this statute survives the death of any person who might have been a plaintiff for defendant.

(e) No person may sue under this section more than two years after the contract of sale. No person may sue under this section (1) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six percent per year from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (2) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(f) No person who has made or engaged in the performance of any contract in violation of any provision of this act or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the

facts by reason of which its making of performance was in violation, may base any suit on the contract.

(g) Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this act or any rule or order hereunder is void.

(h) The rights and remedies provided by this act are in addition to any other rights or remedies that may exist at law or in equity, but this act does not create any cause of action not specified in this section or section 409.202(e).

**409.414. Administrative files and opinions.**—(a) A document is filed when it is received by the commissioner and all original documents so filed shall be kept by the commissioner as a part of the permanent records of his office.

(b) The commissioner shall keep a register of all applications for registration and registration statements which are or have ever been effective under this act and all denial, suspension, or revocation orders which have ever been entered under this act. The register shall be open for public inspection.

(c) The information contained in or filed with any registration statement, application or report may be made available to the public under such rules as the commissioner prescribes; provided, however, that the commissioner shall have power to place in a separate file not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public.

(d) Upon request and at such reasonable charges as he prescribes, the commissioner shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under this act, any copy so certified is prima facie evidence of the contents of the entry or document certified.

(e) The commissioner in his discretion may honor requests from interested persons for interpretative opinions, and may make a charge therefor not to exceed the sum of fifty dollars; provided, however, that the commissioner shall, when requested by any member of the general assembly, render such interpretative opinion without charge and within a reasonable time.

(f) An exemplification of the record under the hand and the seal of the commissioner shall be good and sufficient evidence of any record made or entered by said commissioner. A certificate under the hand and seal of the commissioner showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this chapter, and shall be admissible in evidence in any proceeding to enforce the provisions of this chapter.

Approved June 13, 1978.

[H. C. S. B. 820]

#### **TRADE AND COMMERCE: Missouri Takeover Bid Disclosure Act.**

AN ACT to require disclosure of certain information in connection with take-over bids affecting certain corporations and to establish procedures for the same, with penalty provision.

##### **SECTION**

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2. Definitions.
3. Restrictions on take-over bids—time for deposit of shares—withdrawal of shares—pro rata take up.

##### **SECTION**

4. Offeror to file statement with commissioner of securities, when—contents.
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## SECTION

6. Deceptive practices unlawful.
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## SECTION

11. Offeror to appoint commissioner to receive legal process—procedure for service of process—continuances.
12. Hearing and appeal for aggrieved parties.
13. Filings of documents to conform to section 409.414.
14. Fees for filings.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Short title.**—This act may be cited as the "Missouri Take-Over Bid Disclosure Act".

**Section 2. Definitions.**—As used in this act, unless the context otherwise requires, the term:

(1) "Associate of the offeror" means:

(a) Any corporation or other organization of which the offeror is an officer, director, partner or the beneficial owner, directly or indirectly, of ten percent or more of any class of equity securities;

(b) Any person who is, directly or indirectly, the beneficial owner of ten percent or more of any class of equity securities of the offeror;

(c) Any trust or other estate in which the offeror has a substantial beneficial interest or as to which the offeror serves as trustee or in a similar fiduciary capacity;

(d) Any relative or spouse of the offeror, or any relative of such spouse, who has the same home as the offeror;

(2) "Commissioner" means the commissioner of securities as provided for in chapter 409, RSMo;

(3) "Exempt offer" means, with respect to any class of equity securities of the offeree company:

(a) An offer made by an issuer to purchase its own shares or shares of a subsidiary at least a majority of the voting stock of which is owned beneficially by such issuer;

(b) An offer to purchase shares to be effected by a registered broker-dealer on a stock exchange or in the over-the-counter market if the broker performs only the customary broker's function and receives no more than the customary broker's commissions, and neither the principal nor the broker solicits or arranges for the solicitation of orders to sell shares of the offeree company;

(c) An offer, regardless of its source, made during any period of twelve consecutive months to not more than fifteen persons who are Missouri residents;

(d) An offer which the board of directors of the offeree company by the unanimous affirmative vote of the whole board determines not to resist or oppose;

(e) An offer which the commissioner by order, after notice to the offeror to the offeree company and to the offeree, shall exempt from the provisions of this act as not entered into for the purpose of, and not having the effect of, changing or influencing the control of the offeree company or otherwise as not comprehended within the purposes of this act;

(f) An offer made to any person or group of persons, not exceeding five in number, to purchase shares of an offeree company beneficially owned by the person or group of persons, not exceeding five in number, which shares in the aggregate constitutes effective control of the offeree company;

(g) An offer to purchase equity securities of a class not traded on a national or regional stock exchange or in the over-the-counter market;

(4) "Offeree" means a person, whether a shareholder of record or a beneficial owner, to whom a take-over bid is made;

(5) "Offeree company" means a corporation or other issuer of securities which:

(a) Is organized under the laws of this state; or

(b) Has its principal executive office or a principal place of business in this state;

(6) "Offeror" means a person who makes a take-over bid, and includes two or more persons:

(a) Whose take-over bids are made jointly or in concert;

(b) Who intend to exercise jointly or in concert any voting rights attaching to the shares for which a take-over bid is made.

The term "offeror" does not include any bank or broker-dealer loaning funds to an offeror in the ordinary course of its business or any broker-dealer, attorney, accountant, consultant, employee or other person furnishing information or advice to, or performing administrative or ministerial duties for, an offeror and not otherwise participating in the take-over bid;

(7) "Offeror's presently-owned shares" means the aggregate number of shares of an offeree company:

(a) Beneficially owned by the offeror or any associate of the offeror;

(b) Subject to a right of acquisition, directly or indirectly, on the date of a take-over bid by the offeror or any associate of the offeror;

(8) "Person" means an individual, a partnership, a joint venture, a corporation, an unincorporated association or a trust;

(9) "Securities Act of 1933" and "Securities Exchange Act of 1934" mean the federal statutes having those names as now or hereafter amended;

(10) "Take-over bid" means an offer, other than an exempt offer, made by an offeror directly or through an agent by advertisement or any other written or oral communication to offerees to purchase such number of shares of any class of equity security of the offeree company which, together with the offeror's presently-owned shares, will in the aggregate exceed ten percent of the outstanding shares of such class.

**Section 3. Restrictions on take-over bids—time for deposit of shares—withdrawal of shares—pro rata take up.**—The following provisions apply to every take-over bid:

(1) Not more than one take-over bid for any class of equity securities of an offeree company shall be made by an offeror within any twelve-month period. For the purposes of this subdivision the term "offeror" shall include every associate of the offeror;

(2) The period of time within which shares may be deposited pursuant to a take-over bid shall not be less than twenty-one days nor more than thirty-five days from the date of the first invitation to deposit shares; provided, however, if one or more amended take-over bids are made, the period of time within which shares may be deposited pursuant to the amended take-over bid shall not be less than twenty-one days nor more than thirty-five days from the date of each amended invitation to deposit shares;

(3) Shares deposited pursuant to a take-over bid may be withdrawn by an offeree or his agent upon request in writing upon the offeror or the depository at any time within twenty-one days from the date of the first invitation and each amended invitation to deposit shares;

(4) Where a take-over bid is made for less than all the shares of a class and where a greater number of shares is deposited pursuant thereto than the

offeror is bound and willing to take up and pay for, the shares taken up by the offeror shall be taken up as nearly as may be pro rata, disregarding fractions, according to the number of shares deposited;

(5) Where an offeror varies the terms of a take-over bid or makes an amended take-over before the expiration thereof by increasing the consideration offered, the offeror shall pay the increased consideration to each offeree whose securities are taken up even though they have been taken up and paid for before the variation or amendment of the take-over bid;

(6) Where a take-over bid is mailed or published to offerees, it shall include the information filed with the commissioner pursuant to section 4 of this act; except, when a take-over bid is made entirely for cash, the financial statements of the offeror need not be included in a published take-over bid if such published take-over bid contains a prominent statement to the effect that such financial statements will be promptly furnished to any person without cost upon written request.

**Section 4. Offeror to file statement with commissioner of securities, when—**  
**contents.—1.** No offeror shall make a take-over bid unless at least twenty days prior thereto he files with the commissioner and with the registered agent of the offeree company a statement containing all the information required by subsection 2 of this section and either:

(1) Within fifteen days following such filing no hearing shall have been ordered by the commissioner; or

(2) The commissioner shall have determined, after a hearing held in accordance with the provisions of chapter 536, RSMo, that the offeror proposes to make fair, full and effective disclosure to offerees of all information material to a decision to accept or reject the offer.

2. The statement to be filed with the commissioner and the registered agent of the offeree company pursuant to subsection 1 of this section shall include the following information and such additional information as the commissioner may require as necessary in the public interest or for the protection of investors:

(1) The name, address and business experience of the offeror and each associate of the offeror;

(2) The initial terms and conditions of the take-over bid, which shall include the applicable provisions of section 3 of this act;

(3) The source and amount of the funds or other consideration used or to be used in making the take-over bid. If any part of such funds or consideration is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of making such bid, a description of the transaction and the names of the parties thereto; except, where a source of funds is a loan made in the ordinary course of business by a bank or financial institution customarily engaged in the business of making loans, it will be sufficient to so state;

(4) Any plans or proposals that the offeror may have to liquidate the offeree company, to transfer its assets to or merge it with any other person, or to make any other material change in its business or in its corporate structure;

(5) The number of the offeror's presently-owned shares;

(6) Information as to any contracts, arrangements or understandings with any person with respect to any securities of the offeree company including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits or the giving or withholding



of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof;

(7) A description of the organization and operations of the offeror, including the year of organization, form of organization, jurisdiction in which it is organized, a description of each class of the offeror's capital stock and of its long term debt, earnings statements for the three most recent annual accounting periods and, if available, for any interim accounting periods subsequent thereto, balance sheets as of the end of the most recent annual accounting period and as of the end of the most recent available interim accounting period subsequent thereto, a description of the location and general character of the principal physical properties of the offeror and its subsidiaries, a description of pending legal proceedings other than routine litigation to which the offeror or any of its subsidiaries is a party or of which any of their property is the subject, a description of the business of the offeror and its subsidiaries and the general development of such business over the past five years, the names of all directors, the president and the chief executive officer together with summaries of their business experience during the preceding five years to date, and the approximate amount of any material interest, direct or indirect, of any of the directors or officers in any material transaction during the past three years, or in any proposed material transactions, to which the offeror or any of its subsidiaries was or is to be a party;

(8) A description of any arrangement or understanding with the offeror in connection with the take-over bid, under which any persons are to be elected or designated as directors of the offeree company otherwise than at a meeting of security holders. Such description shall contain information substantially equivalent to the information which would be required by section 14(a) or 14(c) of the Securities Exchange Act of 1934 to be transmitted if such persons were nominees for election as directors at a meeting of such security holders.

3. All written soliciting material used by the offeror in connection with the take-over bid including, but not limited to, any material changing or amending the terms or conditions of the take-over bid, shall be filed with the commissioner and the registered agent of the offeree company not later than ten days prior to the time copies of such material are first published or sent or given to offerees or such shorter period as the commissioner may by order grant.

**Section 5. Written solicitations to offerees to be filed with original offeror and commissioner, when.**—Any written solicitation or recommendation to offerees by any person other than the offeror to accept or reject a take-over bid shall be filed with the offeror and the commissioner not later than the time copies of such solicitation or recommendation are first published or sent or given to offerees.

**Section 6. Deceptive practices unlawful.**—It is unlawful for any person to make any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or to engage in any fraudulent, deceptive, or manipulative acts or practices, in connection with any take-over bid, or in connection with any solicitation of offerees in opposition to or in favor of any such take-over bid.

**Section 7. Commissioner may make investigations—hearings.**—1. The commissioner may make such investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to

violate the provisions of this act. The commissioner shall have the power to issue subpoenas and to require the attendance of any person and the production of any papers for the purposes of such investigation.

2. Any hearing pursuant to subsection 1 of section 4 of this act shall begin within forty days after the date a filing is made pursuant thereto.

**Section 8. Commissioner may seek injunction.**—The commission shall have the same power and authority under this act as under chapter 409, RSMo, to seek injunctions against any person who has engaged or is about to engage in any act or practice constituting a violation of any provision of this act.

**Section 9. Penalties—time for prosecution.**—Any person who shall knowingly make or cause to be made any false statement with respect to any matter subject to the provisions of this act or knowingly exhibit any false paper to the commissioner or his agents or employees or who shall knowingly commit any act declared unlawful by this act, and any offeror who shall knowingly make a take-over bid which does not comply with the provisions of sections 3 and 4 of this act is guilty of a Class A misdemeanor. Prosecutions under this section shall be instituted within two years from the date of the offense.

**Section 10. Civil liability of offeror, when.**—1. The offeror shall be liable to any offeree whose shares are taken up pursuant to the take-over bid if the offeror:

(1) Makes a take-over bid which does not comply with the provisions of sections 3 and 4 of this act;

(2) Makes a take-over bid which contains an untrue statement of a material fact or fails to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, the offeree not knowing of such untruth or omission, and who shall sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

2. Such offeree may sue:

(1) To recover such shares, together with all dividends received thereon, costs and reasonable attorneys' fees, upon the tender of the consideration received from the offeror;

(2) For the substantial equivalent in damages if the offeror no longer owns such shares.

3. Every person, other than persons excluded from the definition of offeror in subdivision 6 of section 2, who materially participates or aids in a take-over bid made by an offeror liable under subsection 1 of this section, or who directly or indirectly controls any offeror so liable, shall also be liable jointly and severally with and to the same extent as the offeror so liable, unless the person who so participates, aids or controls, sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist.

4. No suit shall be maintained to enforce any liability created under this section unless brought within two years after the transaction upon which it is based.

5. If any person liable by reason of subsection 1 of this section makes a written offer, before suit is brought, to return the shares taken up pursuant to the take-over bid, together with all dividends received thereon, upon the tender of the consideration received from the offeror, no offeree shall maintain a suit under this section who shall have refused or failed to accept such offer within thirty days of its receipt.

6. Any agreement, condition, stipulation or provision binding or purporting to bind any offeree to waive compliance with or the benefit of any provisions of this act or of any rule or order hereunder is void.

**Section 11. Offeror to appoint commissioner to receive legal process—procedure for service of process—continuances.**—1. Every offeror under this act shall file with the commissioner in such form as he by rule prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor or administrator which arises under this act or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous offer need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless:

(1) The plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the commissioner; and

(2) The plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

2. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this act or any rule or order hereunder, and he has not filed a consent to service of process under subsection 1 of this section and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor or administrator which grows out of that conduct and which is brought under this act or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless:

(1) The plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice; and

(2) The plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

3. When process is served under this section, the court, or the commissioner in a proceeding before him shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.

**Section 12. Hearing and appeal for aggrieved parties.**—Any interested person aggrieved by any order of the commissioner under any provision of this act, or by any refusal or failure of the commissioner to make an order under any of said provisions, shall be entitled to a hearing before the commissioner in accordance with chapter 536, RSMo, and judicial review thereof shall be had in the manner provided in section 409.412, RSMo.

**Section 13. Filings of documents to conform to section 409.414.**—All filing of documents with the commissioner, the maintenance of documents so filed and the issuance of interpretative opinions by the commissioner under this act shall be in

accordance with the procedures and in the manner specified in section 409.414, RSMo.

**Section 14. Fees for filings.**—The commissioner may establish and collect filing fees not in excess of one hundred dollars per filing for all filing of documents and all filings of requests for hearings made pursuant to this act.

Approved June 7, 1978.

[S. B. 503]

**TRADE AND COMMERCE: Disposition of fees collected under the Grain Warehouse Law.**

**AN ACT** to repeal section 411.150, RSMo 1969, relating to the disposition of fees collected under the grain warehouse law, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

**SECTION**

1. Enacting clause.  
411.150. Fees, how fixed.

**SECTION**

411.151. Grain Inspection Fee Fund, established—deposits and disbursements—not to lapse.  
A. Emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 411.150, RSMo 1969, is repealed and two new sections enacted in lieu thereof, to be known as sections 411.150 and 411.151, to read as follows:

**411.150. Fees, how fixed.**—The director shall have full power to fix the fees for sampling, inspection, weighing, protein or other chemical analysis, and moisture testing or for additional services of whatever nature consistent with the provisions of sections 411.010 to 411.765, which fees shall be regulated in such manner as will, in the judgment of the director, produce sufficient revenue to meet the necessary expenses of the services of sampling, inspection, weighing, chemical analysis or moisture testing, and for administration and clerical work in connection therewith.

**411.151. Grain Inspection Fee Fund, established—deposits and disbursements—not to lapse.**—There is hereby created in the state treasury the "Grain Inspection Fee Fund". All fees charged and collected for sampling, inspection, weighing, protein or other chemical analysis, and moisture testing or for additional services of whatever nature consistent with the grain inspection and weighing services of the grain inspection, weighing, and warehousing division provided for in sections 411.010 to 411.765, shall be paid to the director of revenue and deposited in the state treasury to the credit of the grain inspection fee fund. The money in the grain inspection fee fund, after appropriation, shall be expended upon proper warrants issued by the commissioner of administration for the payment of salaries and expenses, including any fee or payment required for compliance with federal law or regulation, necessary for carrying out the provisions consistent with the grain inspection and weighing services of sections 411.010 to 411.765. The unexpended balance in the grain inspection fee fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the grain inspection fee fund. However, when the unexpended balance in the grain inspection fee fund at the end of each fiscal year exceeds five hundred thousand dollars, the director of the department of agriculture shall reduce the grain inspection fees.

2. The general assembly may transfer from general revenue to the grain inspection fund a sum not to exceed five hundred thousand dollars to enable the director to continue operations until sufficient funds have accumulated from fees charged and collected. The director shall issue a warrant on the grain inspection fund at such time that he deems the balance in the fund sufficient, but not later than fifteen months after the transfer from general revenue, payable to the general revenue fund of the state to repay the money transferred to the grain inspection fund from the general revenue fund.

**Section A. Emergency clause.**—Because immediate action is necessary in order to comply with requirements of the federal government relating to grain inspection, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 9, 1978.

[S. S. B. 685]

**OWNERSHIP AND CONVEYANCE OF PROPERTY: Foreign ownership of land.**

AN ACT to repeal section 442.560, RSMo 1969, relating to foreign ownership of land and to enact in lieu thereof seven sections relating to the same subject, with penalty provisions.

**SECTION**

1. Enacting clause.
- 442.560. Aliens and corporations of foreign countries may acquire, hold and alienate real estate—exception.
2. Definitions.
3. Aliens not to own agricultural land—term of—violation.

**SECTION**

4. Duties of director of agriculture and Attorney General—court to order divestiture—when to be accomplished—failure.
5. Lease deemed to be ownership, when.
6. Lands owned by resident aliens—cessation of residence—failure to divest.
7. Exceptions—notice of intent, when, where filed—nonseverability.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 442.560, RSMo 1969, is repealed and seven new sections are enacted in lieu thereof to be known as sections 442.560, 2, 3, 4, 5, 6, and 7, to read as follows:

**442.560. Aliens and corporations of foreign countries may acquire, hold and alienate real estate—exception.**—Except as provided in this act, persons not citizens of the United States and not residents of the United States or of some territory, trusteeship, or protectorate of the United States, and corporations not created by or under the laws of the United States or of some state, territory, trusteeship, or protectorate of the United States shall be capable of acquiring, by grant, purchase, devise or descent, real estate except agricultural land as defined in section 2 of this act, or any interest therein, in this state, and of owning, holding, devising, or alienating the same, and shall incur the like duties and liabilities in relation thereto as if they were citizens of the United States and residents of this state.

**Section 2. Definitions.**—As used in this act unless the context clearly requires otherwise the following terms mean:

(1) "Agricultural Land", any tract of land in this state consisting of more than 5 acres, whether inside or outside the corporate limits of any municipality, which is capable, without substantial modification to the character of the land, of supporting an agricultural enterprise, including, but not limited to land used for the production of agricultural crops or fruit or other horticultural products, or for the raising or feeding of animals for the production of livestock or livestock products, poultry or poultry products, or milk or dairy products. Adjacent parcels of land under the same ownership shall be deemed to be a single tract;

(2) "Alien", any person who is not a citizen of the United States and who is not a resident of the United States or of some state, territory, trusteeship, or protectorate of the United States;

(3) "Director", the director of the Missouri department of agriculture;

(4) "Foreign Business", any business entity whether or not incorporated, including but not limited to corporations, partnerships, limited partnerships, and associations, in which a controlling interest is owned by aliens. In determining ownership of a foreign business legal fictions such as corporate form or trust shall be disregarded;

(5) "Residence", means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, where he intends to remain permanently or for an indefinite period of time at least.

**Section 3. Aliens not to own agricultural land—term of—violation.**—1. Except as provided in section 6 and section 7 of this act, no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state. No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business.

2. Any alien or foreign business who acquires agricultural land in violation of this act remains in violation of this act for as long as he holds an interest in the land.

**Section 4. Duties of director of agriculture and Attorney General—divestiture—when to be accomplished—failure.**—1. If the director finds that an alien or foreign business or an agent, trustee, or other fiduciary therefor has acquired agricultural land in Missouri after the effective date of this act or the land ceases to be used for non-agricultural purposes under Section 7 of this act, he shall report the violation to the attorney general.

2. The attorney general shall institute an action in the circuit court of Cole County or the circuit court in any county in which agricultural land owned by the alien or foreign business, agent, trustee or other fiduciary, alleged to have violated this act, is located.

3. The attorney general shall file a notice of the pendency of the action with the recorder of deeds of each county in which any portion of such agricultural lands are located. If the court finds that the lands in question have been acquired in violation of this act, it shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the agricultural lands are located. The court shall order the owner to divest himself of the agricultural land. The owner must comply with the order within two years. The two year limitation period shall be a covenant running with the title to the land against any alien grantee or assignee. Provided, however, an incorporated foreign business must divest itself of agricultural land within the minimum time required by Article XI, Section 5, of the Missouri constitution. Any agricultural lands not divested within the time prescribed shall be ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a mortgage on real estate for default in payment.

**Section 5. Lease deemed to be ownership, when.**—Any person who obtains a lease on agricultural land for a term of ten years or longer or a lease renewable at his option for terms which might total ten years has acquired agricultural land within the meaning of this act.

**Section 6. Lands owned by resident aliens—cessation of residence—failure to divest.**—This act shall not apply to agricultural land now owned in this state by aliens or foreign businesses so long as it is held by the present owners, nor to any alien who is or shall take up bona fide residence in the United States; and any alien who is or shall become a bona fide resident of the United States shall have the right to acquire and hold agricultural lands in this state upon the same terms as citizens of the United States during the continuance of such bona fide residence in the United States; except, that if any resident alien shall cease to be a bona fide resident of the United States, such alien shall have 2 years from the time he ceased to be a bona fide resident in which to divest himself of such agricultural lands. Any agricultural lands not divested within the time prescribed shall be ordered sold by the court at a public sale in the manner prescribed by law for the foreclosure of a mortgage on real estate for default in payment.

**Section 7. Exceptions—notice of intent, when, where filed—nonseverability.**—  
1. The restrictions set forth in this act shall not apply to agricultural land or any interest therein acquired by an alien or foreign business for immediate or potential use in non-farming purposes. An alien or foreign business may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit; a family farm corporation defined in 350.010 RSMo 1975 Supp.; an alien or foreign business which has filed with the director under this act; or except when controlled through ownership, options, leaseholds or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1969, 42 U.S.C. 3901-3914) as amended, or a subsidiary or assign of such a corporation.

2. Any alien or foreign business which acquires an interest in agricultural land, for the purposes outlined in this section shall file with the director a declaration of intent as to the intended use of the land, the owner's name and a legal description of the land acquired. Such filings shall be made within sixty days of acquiring such land.

3. Regardless of any provision of Section 1.140 RSMo to the contrary, if any separate provision of this act shall be found unconstitutional by a competent court of law, all other provisions of this act shall be deemed unconstitutional.

Approved April 28, 1978.

[H. B. 934]

#### **OWNERSHIP AND CONVEYANCE OF PROPERTY: Miners and mine owners.**

AN ACT to amend chapter 444, RSMo, relating to rights and duties of miners and mine owners by adding thereto one new section relating to reclamation performance standards mandated by federal law, with an emergency clause.

##### **SECTION**

1. Amending clause.  
444.535. Strip mining, rules and regulations—commission may make.

##### **SECTION**

A. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Amending clause.**—Chapter 444, RSMo, is amended by adding thereto one new section, to be known as section 444.535, to read as follows:

**444.535. Strip mining, rules and regulations—commission may make.**—1. In addition to the other powers and duties prescribed by law, the commission shall adopt and promulgate rules and regulations adequate to require the operator, with respect to strip mining of coal, to:

(1) Restore, within a reasonable time, any area which has been mined upon prime farmland to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management, and in connection therewith:

(a) Segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic materials;

(b) Segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be both texturally and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic materials;

(c) Replace and regrade the root zone material described in paragraph (b) of this subdivision with proper compaction and uniform depth over the regraded spoil material; and

(d) Redistribute and grade in a uniform manner the surface soil horizon described in paragraph (a) of this subdivision;

(e) Nothing in this subdivision shall apply to any permit issued prior to August 3, 1977, or to any revisions or renewals thereof, or to any existing strip mining operations for which a permit was issued prior to August 3, 1977;

(f) For the purposes of this subdivision, "prime farmland" shall mean that land which historically has been used for intensive agricultural purposes, and which meets the technical criteria established by the United States Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, as first published at 42 Federal Register 42359, August 23, 1977;

(2) Restore the affected land to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or pose any actual or probable threat of water diminution or pollution, and the permit applicant's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of federal, state or local law;

(3) Backfill, compact, where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated, unless small depressions are needed in order to retain moisture to assist revegetation;



provided, however, that in strip mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposit relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area are insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade and compact, where advisable, using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region; and provided further, that in strip mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade and compact, where advisable, the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region, and that such overburden and spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of sections 444.500 to 444.755;

(4) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by any other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate and preserve in a like manner such other strata which is best able to support vegetation;

(5) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated off-site areas and to the quality and quantity of water in surface and ground water systems both during and after strip mining operations and during reclamation by:

(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to,

a. Preventing or removing water from contact with toxic producing deposits;

b. Treating drainage to reduce toxic content which adversely affects downstream water upon being released to watercourses; casing, sealing or otherwise managing bore-holes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(b) Conducting strip mining operations so as to prevent, to the extent possible using the best technology available, additional contributions of suspended solids to stream flow, or run-off outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal laws;

(c) Constructing any siltation structures pursuant to paragraph (b) of this

subdivision prior to commencement of strip mining operations, such structures to be certified by a registered professional engineer to be constructed as designed and approved in the reclamation plan;

(d) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized; and depositing the silt and debris at a site and in a manner approved by the commission;

(e) Restoring recharge capacity of the mined area to approximate pre-mining conditions;

(f) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(g) Such other actions as the commission may prescribe;

(6) Design, locate, construct, operate, maintain, enlarge, modify and remove or abandon, in accordance with the standards and criteria developed by the United States Secretary of the Interior pursuant to Section 515(f) of Public Law 95-87, all existing and new coal mine waste piles consisting of mined wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(7) Ensure that explosives are used only in accordance with existing state and federal law and the regulations promulgated by the commission, which shall include provisions to

(a) Require adequate advance written notice by the operator to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site and by providing daily notice to residents or occupiers in such area prior to any blasting;

(b) Require the operator to maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blast, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blast;

(c) Limit the kind of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions at the site so as to prevent injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface water outside the permit area;

(d) Require that all blasting operations be conducted by trained and competent persons as certified by the commission;

(e) Provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the operator shall conduct a pre-blasting survey of such structures and submit the survey to the commission and a copy to the resident or owner making the request. The area of the survey shall be decided by the commission and shall include such provisions as the United States Secretary of Interior shall promulgate;

(8) Establish on the regraded areas and all other lands affected, a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved post-mining land use plan; provided, how-

ever, that when the commission issues a written finding approving a long-term, intensive, agricultural post-mining land use as part of the mining and reclamation plan, the commission may grant an exception to the requirement of permanent vegetative cover.

2. With respect to steep-slope strip mining, commission regulations shall provide, in addition to those general reclamation standards required by subsection 1 of this section, the following:

(1) Ensure that no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut; provided, that spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of subdivision (3) of subsection 1 of the section or subdivision (2) of this subsection below shall be permanently stored in accordance with the following standards:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(b) The areas of disposal are within the bonded permit area and all organic matter shall be removed immediately prior to spoil placement;

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(d) The disposal area does not contain springs, natural water courses or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the commission, the spoil could be placed in compliance with all the requirements of sections 444.500 to 444.755, and shall be placed, where possible, upon or above a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size to prevent mass movement, is constructed;

(g) The final configuration is compatible with the natural drainage patterns and surroundings and suitable for intended uses;

(h) Design of the spoil disposal area is certified by a registered professional engineer in conformance with professional standards; and

(i) All other provisions of sections 444.500 to 444.755 are met.

(2) Complete back filling with spoil materials shall be required to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation;

(3) The operator may not disturb land above the top of the highwall unless the commission finds that such disturbance will facilitate compliance with the reclamation standards of this section; provided, however, that the land disturbed above the highwall shall be limited to the amount necessary to facilitate the compliance;

(4) For the purposes of this subsection, the term "steep slope" is any slope greater than twenty degrees or such lesser slope as may be defined by the commission after consideration of soil, climate, and other characteristics of the state or a region of the state;

(5) The provisions of this subsection shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area.

3. The commission may grant a variance from the requirement to restore to approximate original contour set forth in subdivision (2) of subsection 2 of this section where the owner of the surface knowingly requests in writing, as part of the permit application, that such variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreation facilities, upon the following conditions:

(1) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use;

(2) The reclamation plan, included with the variance application, is designed and certified by a registered professional engineer in conformance with professional standards that the plan will assure the stability, drainage, and configuration necessary for the intended use of the site;

(3) After approval by the director of staff of the clean water commission of the department of natural resources, the watershed of the affected land is deemed to be improved;

(4) Only such amount of spoil is placed off the mine bench as is necessary to achieve the planned post-mining land use, ensure stability of the spoil retained on the bench, meet all other requirements of sections 444.500 to 44.755, and all spoil placement off the mine bench must comply with paragraphs (a) through (i) of subdivision (1) of subsection 2 of this section;

(5) Watershed control of the area is improved, and complete backfilling with spoil materials shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

4. The person seeking a variance under the provisions of subsection 3 of this section shall do so by filing a petition for variance with the director. The director shall investigate the petition and make a recommendation to the commission as to the disposition thereof. Upon receiving the recommendation of the director, if the recommendation is against the granting of a variance, a hearing shall be held, if requested by the petitioner within thirty days of the director's recommendation, as provided in section 444.690. If the recommendation of the director is for the granting of a variance, the commission may do so without hearing, except that upon the petition of any person who is or would be aggrieved by the granting of a variance, before or within thirty days after the commission's action, a hearing shall be held as provided in section 444.690. In any hearing under this section the burden of proof shall be on the person petitioning for a variance.

5. Any variance granted pursuant to subsection 3 of this section shall run concurrently with the permit year. A variance may be extended from year to year by affirmative action of the commission; provided, however, that no variance may be extended unless the operator affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

6. The variance shall be granted upon such terms and conditions as the commission deems appropriate to ensure compliance with the provisions of sections 444.500 to 444.755. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or modified by the commission after a hearing held upon not less than thirty days' written notice to the operator, the owner of the surface, and any other person who has filed with the director a written request for such notification. The hearing shall be held in accordance with section 444.690.

7. Nothing contained in this section shall apply to:

a) the extraction of coal by a landowner for his own non-commercial use from land owned or leased by him;

b) the extraction of coal for commercial purposes where the surface mining and reclamation operation affects two acres or less;

c) the extraction of coal as an incidental and non-commercial part of federal state or local government-financed highway or other construction;

d) the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16% percent of the mineral tonnage removed for commercial use or sale; and

e) any strip mining operation where the operator removes no more than 250 tons of coal from any one location within twelve consecutive months.

**Section A. Emergency clause.**—Because subsection 502(b) of Public Law 95-87 may prohibit Missouri from issuing strip mining permits for coal after February 3, 1978, unless such permits contain conditions requiring compliance with the provisions of that statute mentioned in subsection 502(c), and because the inability of the state to issue permits after that date would prevent the operation of strip mines which are needed to supply coal for power generation in the state, resulting in a lack of electricity which is needed for the preservation of the public health, safety and peace, assurance of the continuity of the state permit system and thus a continuous supply of coal for power generation is necessary for the immediate preservation of the public health, safety and peace, and this act is deemed necessary for the immediate preservation of public health, safety and peace, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

Approved May 3, 1978.

[S. C. S. H. B. #14]

# **DOMESTIC RELATIONS: Uniform Child Custody Jurisdiction Act.**

AN ACT to repeal section 452.410, RSMo Supp. 1975, relating to child custody proceedings and custody decrees, and to enact in lieu thereof twenty-four new sections relating to the same subject.

## **SECTION**

- A. Enacting clause.
- 452.410. Custody decree, modification of, when.
  1. Short title.
  2. Definitions.
  3. Jurisdiction.
  4. Notice and opportunity to be heard.
  5. Notice to persons outside this state submission to jurisdiction.
  6. Simultaneous proceedings in other states.
  7. Inconvenient forum.
  8. Jurisdiction declined because of conduct.
  9. Information under oath to be submitted to the court.
  10. Additional parties.
  11. Appearance of parties and child.
  12. Binding force and res judicata effect of custody decree.

## **SECTION**

13. Recognition of out of state custody decrees.
14. Modification of custody decree of another state.
15. Filing and enforcement of custody decree of another state.
16. Registry of out of state custody decrees and proceedings.
17. Certified copies of custody decrees.
18. Taking testimony in another state.
19. Hearings and studies in another state—orders to appear.
20. Assistance to courts of other states.
21. Preservation of documents for use in other states.
22. Request for court records of another state.
23. Priority.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section A. Enacting clause.**—Section 452.410, RSMo Supp. 1975 is repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 452.410, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, to read as follows:

**452.410. Custody decree, modification of, when.**—The court shall not modify a prior custody decree unless it has jurisdiction under the provisions of section 3 of this act and it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child.

**Section 1. Short Title.**—This act may be cited as the "Uniform Child Custody Jurisdiction Act".

**Section 2. Definitions.**—As used in this act:

(1) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights. This term does not include a decision relating to child support or any other monetary obligation of any person;

(2) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, legal separation, separate maintenance, appointment of a guardian of the person, child neglect or abandonment; but excluding actions for violation of a state law or municipal ordinance;

(3) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(4) "Home state" means the state in which, immediately preceding the filing of custody proceeding, the child lived with his parents, a parent, an institution; or a person acting as parent, for at least six consecutive months or, in the case of a child less than six months old, the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(5) "Initial decree" means the first custody decree concerning a particular child;

(6) "Litigant" means a person, including a parent, who claims a right to custody or visitation with respect to a child;

(7) "Modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "Person acting as parent" means a person including an institution, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

(9) "Physical custody" means actual possession and control of a child;

(10) "State" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, which has enacted this act or has statutory provisions substantially in accordance with this act.

**Section 3. Jurisdiction.**—1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child's home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

(b) It is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse, or is otherwise being neglected; or

(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with subdivisions (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

2. Except as provided in subdivision (3) and (4) of subsection 1 of this section, physical presence of the child, or of the child and one of the litigants, in this state is not sufficient alone to confer jurisdiction on a court of this state to make a child custody determination.

3. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

**Section 4. Notice and opportunity to be heard.**—Before making a decree under this act, reasonable notice and opportunity to be heard shall be given to the litigants, any parent whose parental rights have not been previously terminated, any child twelve years of age or older, and any person who has physical custody of the child. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 5 of this act.

**Section 5. Notice to persons outside this state—submission to jurisdiction.**—

1. The notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be given in any of the following ways:

(1) By personal delivery outside this state in the manner prescribed for service of process within this state;

(2) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(3) By certified or registered mail; or

(4) As directed by the court, including publication, if other means of notification are ineffective.

2. Notice under this section shall be served, mailed, delivered, or last published at least twenty days before any hearing, other than for temporary orders, in this state.

3. Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this

state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof of service may be a receipt signed by the addressee or other evidence of delivery to the addressee.

4. The notice provided for in this section is not required for a person who submits to the jurisdiction of the court.

**Section 6. Simultaneous proceedings in other states.**—1. A court of this state shall not exercise its jurisdiction under this act if, at the time of filing the petition, a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this act, unless the proceeding is stayed by the court of that other state for any reason.

2. Before hearing the petition in a custody proceeding, the court shall examine the pleadings and other information supplied by the parties under section 9 of this act and shall consult the child custody registry established under section 16 of this act concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of that state.

3. If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending in order that the issue may be litigated in the more appropriate forum and that information may be exchanged in accordance with sections 19 to 22 of this act. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court in order that the issues may be litigated in the more appropriate forum.

**Section 7. Inconvenient forum.**—1. A court which has jurisdiction under this act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

2. A finding that a court is an inconvenient forum under subsection 1 above may be made upon the court's own motion or upon the motion of a party or a guardian ad litem or other representative of the child. In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction.

3. Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court, with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

4. If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

5. The court may decline to exercise its jurisdiction under this act if a



custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

6. If it appears to the court that it is clearly an inappropriate forum, it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorney's fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

7. Upon dismissal or stay of proceedings under this section, the court shall inform the court found to be the more appropriate forum of this fact or, if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

8. Any communication received from another state informing this state of a finding that a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.

**Section 8. Jurisdiction declined because of conduct.**—1. If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

2. Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

3. In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.

**Section 9. Information under oath to be submitted to the court.**—1. In his first pleading, or in an affidavit attached to that pleading, every party in a custody proceeding shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether:

(1) He has participated in any capacity in any other litigation concerning the custody of the same child in this or any other state;

(2) He has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) He knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

2. If the declaration as to any of the items listed in subdivision (1) through (3) of subsection 1 above is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

3. Each party has a continuing duty to inform the court of any change in information required by subsection 1 of this section.

**Section 10. Additional parties.**—If the court learns from information furnished by the parties pursuant to section 9 of this act or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 5 of this act.

**Section 11. Appearance of parties and child.**—1. The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has physical custody of the child who has attained twelve years of age the court shall order that he appear personally with the child unless that would clearly not be in the best interest of the child. If that party has physical custody of the child who has not yet attained twelve years of age the court may order that he appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 5 of this act include a statement directing that party to appear personally with or without the child if the child has not attained twelve years of age and with the child if the child has attained twelve years of age.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

**Section 12. Binding force and res judicata effect of custody decree.**—A custody decree rendered by a court of this state which has jurisdiction under section 3 of this act binds all parties who have been served in this state or notified in accordance with section 5 of this act, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made, unless and until that determination is modified pursuant to law, including the provisions of this act.

**Section 13. Recognition of out of state custody decrees.**—The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this act, or which was made under factual circumstances meeting the jurisdictional standards of the act, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this act.

**Section 14. Modification of custody decree of another state.**—If a court of another state has made a custody decree, a court of this state shall not modify that decree unless it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this act or has declined to assume jurisdiction to modify the decree and the court of this state has jurisdiction.

**Section 15. Filing and enforcement of custody decree of another state.**—1. A certified copy of a custody decree of another state may be filed in the office of the clerk of any circuit court of this state. The clerk shall treat the decree in the same manner as a custody decree of the circuit court of this state. A custody decree so

filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

2. A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

**Section 16. Registry of out of state custody decrees and proceedings.**—The clerk of each circuit court shall maintain a registry in which he shall enter the following:

- (1) Certified copies of custody decrees of other states received for filing;
- (2) Communications as to the pendency of custody proceedings in other states;
- (3) Communications concerning findings of inconvenient forum under section 7 of this act by a court of another state; and
- (4) Other communications or documents concerning custody proceedings in another state which in the opinion of the circuit judge may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

**Section 17. Certified copies of custody decrees.**—The clerk of the circuit court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, may, upon payment therefor, certify and forward a copy of the decree to that court or person.

**Section 18. Taking testimony in another state.**—In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may obtain the testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

**Section 19. Hearings and studies in another state—orders to appear.**—1. A court of this state may request the appropriate court of another state to hold a hearing to obtain evidence, to order persons within that state to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise obtained, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties.

2. A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against the appropriate party.

**Section 20. Assistance to courts of other states.**—1. Upon request of the court of another state the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to obtain evidence or to produce or give evidence under other procedures available in this state for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise obtained may in the discretion of the court and upon payment therefor be forwarded to the requesting court.

2. A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

3. Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

**Section 21. Preservation of documents for use in other states.**—In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen years of age. When requested by the court of another state the court may, upon payment therefor, forward to the other court certified copies of any or all of such documents.

**Section 22. Request for court records of another state.**—If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 21 of this act.

**Section 23. Priority.**—Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this act, determination of jurisdiction shall be given calendar priority and handled expeditiously.

Approved June 14, 1978.

[H. B. 1684]

**DOMESTIC RELATIONS: Subsidies for the adoption of certain children.**

**AN ACT** to repeal section 453.073, RSMo Supp. 1975, relating to subsidies for the adoption of certain children, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

453.073. Subsidy to family of adopted child, how set, how paid—monetary need, how determined—nonresident family, affidavit required, effect of failure to submit.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 453.073, RSMo Supp. 1975 is repealed and one new section enacted in lieu thereof, to be known as section 453.073, to read as follows:

**453.073. Subsidy to family of adopted child, how set, how paid—monetary need, how determined—nonresident family, affidavit required, effect of failure to submit.**—1. The juvenile court is authorized to subsidize the family of an adopted child in one of the aforementioned forms of allotment. The subsidy shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program of the division of family services of the department of social services of the state of Missouri. The subsidy shall be paid only for children who were eligible for foster care payments

under the homeless, dependent and neglected foster care program of the division of family services of the department of social services of the state of Missouri and the subsidy shall be paid in the same manner and from the same funds as foster care payments. This authorization shall pertain to those children previously considered unadoptable, those suffering from physical handicaps or mental retardation, or those children belonging to minority racial and ethnic groups for whom adoptive homes are not readily available.

2. Determination of the amount of monetary need is to be made by the placing agency in reference to the child's and family's needs, subject to the approval of the court. The child's physical and mental condition, age, and ethnic background are to be considered, as are financial needs of the adopting family. Each case shall be handled individually.

3. In the case that the subsidized family moves from the state of Missouri, the granted subsidy shall remain in force as stipulated in the original allotment agreement, as long as the adopting family follows the established requirements and, provided further, that a subsidized family which has moved its residence from the state of Missouri shall, as a condition for the continuance of the granted subsidy, submit to the juvenile court authorizing the grant an affidavit by the thirtieth day of March of each year containing a listing of all the assets of the subsidized family and a statement of the amounts paid for expenses for the care and maintenance of the adopted child in the preceding year. If the subsidized family fails to submit the affidavit by the thirtieth day of March of any year, payments under the provisions of sections 453.065 to 453.073 to a family which has moved its residence from the state of Missouri shall cease.

Approved June 14, 1978.

[H. B. 1634]

# **COURTS: Court Reform and Revision Act of 1978.**

AN ACT to repeal sections 1.020, 1.110, 8.178, 49.160, 50.320, 51.320, 52.120, 52.385, 55.125, 56.310, 56.440, 56.445, 56.450, 56.455, 56.470, 56.500, 56.520, 56.530, 56.550, 56.595, 56.600, 56.610, 56.620, 57.020, 57.090, 57.100, 57.125, 57.150, 57.220, 57.230, 57.250, 57.260, 57.460, 57.530, 57.475, 58.220, 58.230, 58.240, 58.250, 58.370, 58.610, 59.300, 63.150, 63.160, 63.170, 63.190, 63.195, 63.200, 63.210, 63.220, 65.350, 66.010, 66.020, 66.030, 66.040, 66.050, 66.060, 66.070, 66.080, 66.090, 66.100, 66.110, 66.120, 66.130, 66.140, 71.090, 71.260, 71.590, 77.370, 77.390, 77.560, 78.070, 78.370, 79.040, 79.460, 80.260, 80.270, 80.280, 80.290, 80.300, 80.310, 80.320, 80.330, 80.340, 80.350, 80.360, 80.370, 80.380, 80.390, 80.560, 81.075, 81.140, 81.195, 81.280, 82.340, 84.040, 84.050, 84.090, 84.230, 84.380, 84.640, 84.650, 84.710, 85.030, 85.040, 85.060, 85.170, 85.230, 85.561, 88.080, 98.010, 98.020, 98.023, 98.025, 98.030, 98.340, 98.350, 98.360, 98.370, 98.380, 98.390, 98.410, 98.420, 98.430, 98.440, 98.450, 98.460, 98.470, 98.480, 98.490, 98.500, 98.510, 98.520, 98.530, 98.540, 98.550, 98.560, 98.570, 98.580, 98.590, 98.600, 98.610, 98.620, 98.630, 98.640, 98.650, 98.660, 105.020, 106.170, 109.040, 109.050, 109.070, 109.160, 109.170, 125.110, 137.040, 137.090, 137.155, 137.365, 139.250, 144.400, 145.110, 145.140, 145.150, 145.200, 145.300, 145.305, 145.310, 146.070, 162.381, 196.030, 196.346, 196.348, 196.790, 196.891, 196.893, 196.910, 196.914, 202.070, 202.595, 202.797, 202.805, 202.833, 202.837, 205.320, 208.180, 209.100, 209.110, 210.380, 211.021, 211.061, 211.311, 211.371, 211.411, 221.240, 221.320, 242.090, 242.140, 242.240, 242.310, 242.650, 243.460, 245.010, 245.050, 245.140, 247.040, 249.040, 249.132, 249.690, 263.360, 266.091, 266.101, 266.111, 266.400, 267.531, 267.650, 269.110, 270.030, 271.050, 271.060, 271.070, 272.130, 272.140, 277.080, 280.100, 288.210, 296.050, 300.565, 300.575, 300.580, 301.430, 302.010, 302.220, 302.225, 311.780, 311.810, 311.840, 312.340, 314.070, 321.020, 336.110, 343.160, 361.390, 361.410, 361.450, 361.470, 361.480, 361.500, 361.530, 361.570, 362.118, 362.730, 375.580, 375.906, 393.030, 416.505, 417.330, 422.150, 426.020, 426.040, 426.090, 426.100, 426.140, 426.220, 426.230, 426.250, 426.310, 429.350, 429.360, 429.370, 429.380, 429.390, 429.400, 429.410, 429.420, 429.430, 430.160, 430.220, 442.035, 442.555, 443.430,

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- 534.110. Power to issue subpoenas and compel attendance of witnesses.
- 534.130. Failure of defendant to appear.
- 534.140. Both parties appear—proceedings.
- 534.160. Demand for trial by jury.
- 534.170. Amendments permitted and new parties added, when.
- 534.180. Depositions may be taken.
- 534.190. When depositions may be read.
- 534.310. Verdict for complainant—what it shall include.

## SECTION

- 534.320. Verdict may be corrected in matters of form.  
 534.330. Judgment on verdict for complainant.  
 534.340. Transcript of judgment—revived and enforced, how.  
 534.350. Execution—when issued and levied.  
 534.360. Execution, when defendant is about to abscond.  
 534.370. Form of execution against defendant.  
 534.380. Judgment stay for appeals and trial de novo.  
 535.020. Procedure to recover possession—statement—summons.  
 535.030. Service of summons.  
 535.040. Upon return of summons magistrate to render judgment—duty of officer under writ.  
 535.100. Change of judge and venue same as under Chapter 517.  
 535.110. Appeals and trial de novo allowable—defendant to furnish bond.  
 536.110. Petition, when filed — process — venue.  
 537.020. Action for personal injury or death to survive regardless of death of either party.  
 537.021. Action for damages must be brought and defended by executors or administrators when party is deceased—exception—defendant ad litem, fee of.  
 537.300. Penalty for driving away of others' stock by drivers.  
 537.320. Judgment—execution.  
 540.020. Grand jury, how convened—duties—charge.  
 540.170. Subpoenas in vacation, when issued.  
 541.010. Code applicable, when and where.  
 541.020. Jurisdiction of circuit courts.  
 542.010. Magistrate defined.  
 542.020. Certain officers to preserve peace, issue process.  
 542.170. What officers may require aid of persons to disperse rioters.  
 541.015. Jurisdiction of associate circuit judges.  
 543.200. Either party may demand jury.  
 543.210. Jury—number—selection.  
 543.220. Proceedings, how governed.  
 543.270. Fine commuted to imprisonment, when—fine payable in installments.  
 546.095. Offense not cognizable before associate circuit judge—procedure.  
 543.290. Trial de novo—recognizance.  
 543.300. Trial de novo perfected—witnesses to enter into recognizances.  
 543.310. Cause to be heard anew, when.  
 543.320. Judgment—fine and costs—commitment.

## SECTION

- 543.330. Trial de novo—judgment of imprisonment.  
 543.335. Appeal—records, how kept.  
 546.595. No trial de novo filed—certification by associate circuit judge, to whom—collection of fines.  
 544.575. No proceeding upon a recognizance defeated for defects.  
 544.010. Magistrate defined.  
 544.090. Warrants, where executed.  
 544.250. Preliminary hearing, when required—release, when, what conditions.  
 544.280. Trial, how conducted.  
 544.300. Proceedings in case of disqualification.  
 544.455. Release of person charged, when—conditions which may be imposed.  
 544.490. What courts may accept recognizance.  
 545.015. Definitions.  
 547.100. Appeals in misdemeanor cases—procedure.  
 548.011. Definitions.  
 548.431. Arrest prior to requisition.  
 549.061. Judicial parole and probation, exceptions.  
 549.193. Parole, probation, suspension and stay by associate circuit judge (certain counties).  
 549.197. Parole, probation and stay by associate circuit judge (certain first class charter counties).  
 549.218. Parole board to provide services for persons referred by associate circuit judges and operate pre-release programs — additional compensation.  
 549.245. Probation officers for courts furnished, when—presentence investigation.  
 549.361. Office created—merit system employees—state employees' retirement system, prior service credit, how obtained.  
 549.400. Board of probation and parole established.  
 549.440. Board of paroles established.  
 550.090. Prosecutor to pay costs, when.  
 550.240. Fee bill from cases before associate circuit judge.  
 550.310. Judge or other officer violating law, how punished.  
 551.150. Insolvency relief law not applicable (St. Louis).  
 600.046. Indigent to have counsel appointed, when.  
 600.080. State public defender may contract with organized defender society or organization, when—defender may contract to provide services under federal criminal justice act, fees to State Treasury.  
 B. Schedule.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 1.020, 1.110, 8.178, 49.160, 50.320, 51.320, 52.120, 52.385, 55.125, 56.310, 56.440, 56.445, 56.450, 56.455, 56.470, 56.500, 56.520, 56.530, 56.550, 56.595, 56.600, 56.610, 56.620, 57.020, 57.090, 57.100, 57.125, 57.150, 57.220, 57.230, 57.250, 57.260, 57.460, 57.530, 57.475, 58.220, 58.230, 58.240, 58.250, 58.370, 58.610, 59.300, 63.150, 63.160, 63.170, 63.190, 63.195, 63.200, 63.210, 63.220, 65.350, 66.010, 66.020, 66.030,

66.040, 66.050, 66.060, 66.070, 66.080, 66.090, 66.100, 66.110, 66.120, 66.130, 66.140 71.090,  
 71.260, 71.590, 77.370, 77.390, 77.560, 78.070, 78.370, 79.040, 79.460, 80.260, 80.270, 80.280,  
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 81.075, 81.140, 81.195, 81.280, 82.340, 84.040, 84.050, 84.090, 84.230, 84.380, 84.640, 84.650,  
 84.710, 85.030, 85.040, 85.060, 85.170, 85.230, 85.561, 88.080, 98.010, 98.020, 98.023, 98.025,  
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477.030, 477.040, 477.050, 477.060, 477.070, 477.140, 477.150, 477.152, 477.158, 477.220, 477.222, 477.223, 478.010, 478.220, 478.223, 478.315, 478.387, 478.437, 478.480, 478.513, 478.600, 478.625, 478.630, 478.700, 478.705, 478.710, 478.715, 479.250, 479.280, 480.070, 481.340, 481.350, 481.360, 482.010, 482.070, 483.015, 483.065, 483.082, 483.285, 483.351, 50.336, 483.650, 483.403, 483.475, 483.495, 483.530, 583.540, 483.541, 483.580, 583.582, 483.584, 483.586, 483.588, 583.610, 483.615, 485.060, 485.065, 485.100, 485.140, 490.320, 490.470, 492.430, 494.020, 494.031, 494.240, 495.040, 498.100, 499.010, 511.440, 514.475, 517.185, 517.580, 525.030, 530.020, 534.090, 535.030, 543.010, 543.150, 544.250, 544.455, 544.490, 549.061, 549.193, 549.218 and 600.080, RSMo. Supp. 1975, and sections 3.130, 56.460, 56.490, 57.470, 63.180, 91.730, 202.240, 210.320, 478.071, 478.072, 478.235, 478.265, 478.267, 478.550, 478.690, 479.090, 479.110, 482.040, 482.090, 482.230, 482.300, 482.305, 482.315, 482.320, 482.335, 482.340, 482.355, 482.365, 483.280, 483.416, 483.497 and 600.046, RSMo. Supp. 1976, and sections 98.320, 98.330, 115.353, 115.365, 115.511, 115.517, 115.555, 115.575, 115.603, 144.010, 207.025, 211.023, 211.393, 242.500, 302.309, 361.340, 361.360, 386.420, 411.295, 441.510, 476.320, 476.340, 478.380, 477.159, 479.060, 481.116, 481.117, 478.463, 480.100, 483.310, 483.490, 514.440, 514.470, 537.020, 537.021, 543.270, and 549.197, RSMo. Supp. 1977, are repealed and 804 sections enacted in lieu thereof, to be known as section 1 and sections 1.020, 3.130, 8.178, 49.160, 50.320, 50.334, 50.641, 51.320, 52.120, 52.385, 55.125, 55.260, 56.070, 56.310, 56.445, 56.450, 56.455, 56.460, 56.470, 56.530, 56.540, 56.550, 56.600, 57.020, 57.090, 57.100, 57.125, 57.130, 57.150, 57.220, 57.230, 57.250, 57.260, 57.280, 57.320, 57.460, 57.470, 57.475, 57.530, 58.370, 58.610, 59.300, 65.350, 66.010, 66.020, 66.030, 66.040, 66.050, 66.060, 66.070, 66.080, 66.090, 66.100, 66.110, 66.120, 66.130, 66.140, 70.600, 71.090, 71.220, 71.260, 71.590, 77.370, 77.390, 77.560, 78.070, 78.370, 79.040, 79.460, 80.560, 81.075, 81.140, 81.195, 81.280, 82.340, 84.040, 84.050, 84.090, 84.230, 84.380, 84.640, 84.650, 84.710, 85.030, 85.040, 85.060, 85.170, 85.230, 85.561, 88.080, 91.730, 98.330, 98.340, 104.340, 105.020, 106.170, 109.040, 109.050, 109.070, 109.160, 109.170, 115.353, 115.365, 115.511, 115.517, 115.555, 115.575, 115.603, 125.110, 137.040, 137.090, 137.155, 137.365, 139.250, 144.010, 144.400, 145.110, 145.140, 145.150, 145.200, 145.300, 145.305, 145.310, 146.070, 162.381, 168.071, 195.520, 145.525, 195.530, 196.030, 196.346, 196.348, 196.790, 196.891, 196.893, 196.910, 196.914, 202.070, 202.240, 202.595, 202.790, 202.797, 202.805, 202.807, 202.813, 202.833, 202.837, 205.320, 207.025, 208.180, 209.100, 209.110, 210.320, 210.380, 211.021, 211.023, 211.061, 211.311, 211.393, 211.411, 213.127, 221.240, 221.320, 222.170, 242.030, 242.090, 242.140, 242.240, 242.310, 242.500, 242.650, 243.460, 245.010, 245.050, 245.140, 247.040, 249.040, 249.132, 249.690, 260.210, 263.360, 266.091, 266.101, 266.111, 266.400, 267.531, 267.650, 269.110, 270.030, 271.050, 271.060, 271.070, 272.030, 272.130, 277.080, 280.100, 288.210, 296.050, 300.565, 300.575, 300.580, 301.430, 302.010, 302.220, 302.225, 302.309, 311.480, 311.780, 311.810, 311.840, 312.340, 314.070, 321.020, 336.110, 343.160, 361.340, 361.360, 361.390, 361.410, 361.450, 361.470, 361.480, 361.500, 361.530, 361.570, 362.118, 362.600, 362.730, 362.920, 375.580, 375.906, 386.420, 393.030, 411.295, 416.505, 417.330, 422.150, 426.020, 426.040, 426.090, 426.100, 426.140, 426.220, 426.230, 426.250, 426.310, 429.350, 429.360, 430.160, 430.220, 441.510, 442.035, 442.555, 443.430, 444.110, 444.170, 444.670, 446.040, 446.050, 446.060, 446.070, 446.080, 446.100, 446.190, 447.010, 447.020, 447.030, 451.040, 451.090, 451.100, 451.140, 452.240, 452.250, 452.420, 454.100, 456.225, 470.320, 472.010, 472.020, 472.030, 472.040, 472.050, 472.060, 472.070, 472.140, 472.141, 472.160, 472.170, 472.180, 472.190, 472.210, 472.280, 473.023, 473.033, 473.043, 473.050, 473.053, 473.057, 473.083, 473.090, 473.097, 473.107, 473.117, 473.120, 473.123, 473.127, 473.137, 473.153, 473.220, 473.223, 473.227, 473.230, 473.307, 473.313, 473.340, 473.360, 473.363, 473.367, 473.370, 473.373, 473.377, 473.393, 473.420, 473.623, 473.643, 473.697, 473.707, 473.710, 473.713, 473.730, 473.747, 473.753, 473.763, 473.767, 473.770, 474.290, 474.510, 474.530, 475.040, 475.055, 475.095, 475.100, 475.105, 475.125, 475.130, 475.140, 475.180, 475.195, 475.205, 475.215, 475.245, 475.250,

475.290, 475.340, 475.350, 475.355, 475.360, 475.365, 475.370, 476.010, 476.220, 476.230, 476.250, 476.265, 476.270, 476.290, 476.310, 476.320, 476.340, 476.350, 476.380, 476.451, 477.030, 477.040, 477.050, 477.060, 477.070, 477.140, 477.150, 477.152, 477.160, 477.170, 477.180, 477.190, 477.220, 478.010, 478.014, 478.071, 478.020, 478.023, 478.035, 478.063, 478.070, 478.072, 478.205, 478.206, 478.220, 478.225, 478.230, 478.240, 478.245, 478.250, 478.260, 478.265, 478.266, 478.267, 478.270, 478.275, 478.320, 478.337, 478.340, 478.370, 478.385, 478.387, 478.422, 478.430, 478.437, 478.463, 478.465, 478.467, 478.469, 478.473, 478.475, 478.487, 478.513, 478.527, 478.530, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.711, 478.715, 478.720, 478.725, 479.010, 479.020, 479.030, 479.040, 479.050, 479.060, 479.070, 479.080, 479.090, 479.100, 479.110, 479.120, 479.130, 479.140, 479.150, 479.160, 479.170, 479.180, 479.190, 479.200, 479.210, 479.220, 479.230, 479.240, 479.250, 479.260, 479.270, 546.881, 478.434, 478.435, 481.210, 482.155, 482.300, 482.305, 482.315, 482.320, 482.335, 482.340, 482.355, 482.365, 483.010, 483.015, 483.020, 483.025, 483.045, 483.050, 483.060, 483.065, 483.075, 483.080, 483.082, 483.083, 483.130, 483.140, 483.145, 483.160, 483.170, 483.180, 483.195, 483.200, 483.225, 483.235, 483.240, 483.241, 483.242, 483.243, 483.245, 483.246, 483.248, 483.260, 483.265, 483.310, 483.312, 483.420, 483.445, 483.450, 483.495, 483.530, 483.540, 483.545, 483.541, 483.550, 483.580, 483.581, 483.582, 483.584, 483.585, 483.586, 483.588, 483.590, 483.595, 483.600, 483.605, 483.617, 483.630, 483.640, 483.650, 483.660, 483.670, 483.680, 485.010, 485.040, 485.055, 485.060, 485.065, 485.075, 485.090, 485.100, 485.110, 485.120, 485.150, 490.320, 490.470, 490.550, 492.150, 492.430, 494.020, 494.031, 494.230, 494.240, 494.310, 494.330, 494.340, 495.010, 495.020, 495.040, 495.050, 495.090, 496.020, 497.020, 497.160, 497.260, 497.270, 498.010, 498.100, 498.290, 506.010, 508.070, 508.300, 508.310, 508.320, 508.330, 508.340, 511.440, 511.530, 511.550, 512.180, 512.190, 512.200, 512.210, 512.250, 512.270, 512.280, 512.290, 512.300, 512.310, 512.320, 513.065, 513.145, 513.205, 513.240, 513.245, 513.270, 513.375, 513.385, 513.395, 513.310, 513.355, 513.380, 514.030, 514.140, 514.150, 514.320, 514.330, 514.340, 514.350, 514.440, 514.450, 514.470, 514.475, 514.480, 517.010, 517.020, 517.040, 517.050, 517.060, 517.080, 517.090, 517.230, 517.240, 517.250, 517.260, 517.290, 517.310, 517.330, 517.340, 517.370, 517.390, 517.460, 517.470, 517.480, 517.490, 517.510, 517.520, 517.570, 517.580, 517.610, 517.620, 517.630, 517.650, 517.660, 517.675, 517.680, 517.700, 517.710, 517.770, 517.780, 517.910, 521.050, 521.190, 521.270, 521.420, 521.430, 521.480, 521.500, 521.570, 521.600, 521.660, 521.750, 521.840, 521.860, 523.010, 525.030, 525.310, 526.010, 526.020, 526.040, 526.180, 526.220, 527.010, 530.020, 530.080, 532.020, 532.030, 532.060, 532.120, 532.200, 532.210, 532.220, 532.250, 532.260, 532.270, 532.290, 532.300, 532.320, 532.330, 532.340, 532.350, 532.360, 532.380, 532.410, 532.420, 532.460, 532.470, 532.480, 532.500, 532.520, 532.530, 532.590, 532.610, 532.620, 533.240, 533.250, 534.060, 534.070, 534.080, 534.090, 534.110, 534.130, 534.140, 534.160, 534.170, 534.180, 534.190, 534.310, 534.320, 534.330, 534.340, 534.350, 534.360, 534.370, 534.380, 535.020, 535.030, 535.040, 535.100, 535.110, 536.110, 537.020, 537.021, 537.300, 537.320, 540.020, 540.170, 541.010, 541.020, 542.010, 542.020, 542.170, 541.015, 543.200, 543.210, 543.220, 543.270, 546.095, 543.290, 543.300, 543.310, 543.320, 543.330, 543.335, 546.595, 544.575, 544.010, 544.090, 544.250, 544.280, 544.300, 544.455, 544.390, 545.015, 547.100, 548.011, 548.131, 549.061, 549.193, 549.197, 549.218, 549.245, 549.361, 549.400, 549.440, 550.090, 550.240, 550.310, 551.150, 600.046, 600.080 and Section B, to read as follows:

1. **Short title.**—This act shall be known and may be cited as the "Court Reform and Revision Act of 1978".

1.020. **Definitions.**—As used in the statutory laws of this state, unless otherwise specially provided or unless plainly repugnant to the intent of the legislature or to the context thereof:

(1) "County or circuit attorney" means prosecuting attorney;

(2) "Executor" includes administrator where the subject matter applies to an administrator;

(3) "General election" means the election required to be held on the Tuesday succeeding the first Monday of November, biennially;

(4) "Heretofore" means any time previous to the day when the statute containing it takes effect; and "hereafter" means the time after the statute containing it takes effect;

(5) "Justice of the county court" means judge of that court;

(6) "Month" and "year". "Month" means a calendar month, and "year" means a calendar year unless otherwise expressed, and is equivalent to the words "year of our Lord";

(7) The word "person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations;

(8) "Personal property" includes money, goods, chattels, things in action and evidences of debt;

(9) "Place of residence" means the place where the family of any person permanently resides in this state, and the place where any person having no family generally lodges;

(10) "Preceding" and "following", when used by way of reference to any section of the statutes, mean the section next preceding or next following that in which the reference is made, unless some other section is expressly designated in the reference;

(11) "Property" includes real and personal property;

(12) "Real property" or "premises" or "real estate" or "lands" is coextensive with lands, tenements and hereditaments;

(13) "State", when applied to any of the United States, includes the District of Columbia and the territories, and the words "United States" includes such district and territories;

(14) "Under legal disability" includes persons within the age of minority or of unsound mind or imprisoned;

(15) "In vacation" includes any adjournment of court for more than one day whenever any act is authorized to be done by or any power given to a court, or judge thereof in vacation, or whenever any act is authorized to be done by or any power given to a clerk of any court in vacation;

(16) "Will" includes the words "testament" and "codicil";

(17) "Written" and "in writing" and "writing word for word" includes printing, lithographing, or other mode of representing words and letters but in all cases where the signature of any person is required, the proper handwriting of the person, or his mark, is intended;

(18) Roman numerals and arabic figures are part of the English language.

**3.130. Committee to determine number of copies—distribution.—1.** Such number of copies of each volume of each edition of the revised statutes of Missouri and annotations thereto and such number of the supplements or pocket parts thereto as may be necessary to meet the demand as determined by the committee shall be printed, bound and delivered to the revisor of statutes, who shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall distribute the copies without charge as follows:

(1) To each state department, and each division and bureau thereof, one copy;

(2) To each member of the general assembly at each general assembly, three copies;

(3) To each judge of the supreme court, the court of appeals and to each judge of the circuit courts, except municipal judges, one copy;

(4) To the probate divisions of the circuit courts of Jackson county, St. Louis county and the city of St. Louis, four additional copies each, and to the probate divisions of the circuit courts of those counties where the judge of the probate division sits in more than one city, one additional copy each;

(5) To the law library of the supreme court, ten copies;

(6) To the law libraries of each district of the court of appeals, six copies each;

(7) To the library of the United States Supreme Court, one copy;

(8) To the United States district courts and circuit court of appeals for Missouri, two copies each;

(9) To the state historical society, two copies;

(10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and at Rolla, three copies each;

(11) To the state colleges, Lincoln university, the junior colleges, Missouri western college and Missouri southern college, four copies each;

(12) To the public school library of St. Louis, two copies;

(13) To the Library of Congress, one copy;

(14) To the Mercantile Library of St. Louis, two copies;

(15) To each public library in the state, if requested, one copy;

(16) To the law libraries of St. Louis, St. Louis county, Kansas City and St. Joseph, three copies each;

(17) To the law schools of the state university, St. Louis university, and Washington university, three copies each;

(18) To the circuit clerk of each county of the state for distribution of one copy to each county officer, to be by him delivered to his successor in office, one copy;

(19) To the director of the committee on legislative research, such number of copies as may be required by such committee for the performance of its duties;

(20) To any county law library, when requested by the circuit clerk, two copies;

(21) To each county library, one copy, when requested;

(22) To any committee of the senate or house of representatives, as designated and requested by the accounts committee of the respective house.

2. The revisor of statutes shall also provide the librarians of the supreme court library, of the committee on legislative research, of the law schools of the state university such copies as may be necessary, not exceeding fifty-one each, to enable them to exchange the copies for like compilations or revisions of the statute laws of other states and territories.

**8.178. Violation of parking regulations, penalty.**—Any person who violates sections 8.172 to 8.176 or any of the traffic or parking regulations of the director shall be punished as follows: Fines for traffic violations shall not exceed five dollars for overparking, fifteen dollars for double parking and fifty dollars for speeding, and the circuit court of Cole county has authority to enforce this law.

**49.160. Who shall hold county court when majority of judges are absent.**—If, by reason of sickness, absence from the county or other preventing cause, the judges of the county court of any county, or a majority of them, are not able to hold any regular term of court, the judge of the probate division of the circuit court shall hold the term of court, except that in counties having more than one circuit judge the presiding judge of the circuit court shall designate one of the circuit judges to hold the term of the county court.



**50.320. Penalty for treasurer violating sections 50.160 to 50.310.**—Any county treasurer violating any provisions of sections 50.160 to 50.310, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished as provided by law, and be removed from office, and shall forfeit and pay to the party aggrieved thereby, double damages for the injury sustained, which may be recovered by an action in the ordinary form, to the use of such party against such treasurer and his sureties on his official bond in any court of competent jurisdiction.

**50.334. Recorders of deeds, compensation, certain counties.**—1. In all counties, except counties of the first class, having a population of less than five hundred thousand and an assessed valuation as prescribed in this section, each recorder of deeds, if his office be separate from that of the circuit clerk, shall receive as total compensation for all services performed by him an annual salary which shall be computed on a combination population-assessed valuation basis as set forth in the following schedule:

Population	Salary	Assessed Valuation	Salary
2,000 to 3,000	\$3100	Less than \$5 million	\$1800
3,001 to 4,000	3150	\$ 5 million to \$ 6 million	1800
4,001 to 5,000	3200	6 million to 7 million	1800
5,001 to 6,000	3250	7 million to 8 million	1800
6,001 to 7,000	3300	8 million to 9 million	1800
7,001 to 8,000	3350	9 million to 10 million	1800
8,001 to 9,000	3400	10 million to 11 million	3100
9,001 to 10,000	3450	11 million to 12 million	3150
10,001 to 12,500	3500	12 million to 13 million	3200
12,501 to 15,000	3550	13 million to 14 million	3250
15,001 to 17,500	3600	14 million to 15 million	3300
17,501 to 20,000	3650	15 million to 16 million	3350
20,001 to 25,000	3700	16 million to 17 million	3400
25,001 to 30,000	3750	17 million to 18 million	3450
30,001 to 35,000	3800	18 million to 19 million	3500
35,001 to 40,000	3900	19 million to 20 million	3550
40,001 to 45,000	4000	20 million to 22½ million	3650
45,001 to 50,000	4100	22½ million to 25 million	3750
50,001 to 60,000	4200	25 million to 27½ million	3850
60,001 to 70,000	4300	27½ million to 30 million	3950
70,001 to 80,000	4450	30 million to 32½ million	4050
80,001 to 90,000	4600	32½ million to 35 million	4150
90,001 to 100,000	4700	35 million to 37½ million	4250
100,001 to 125,000	4850	37½ million to 40 million	4350
125,001 to 150,000	5000	40 million to 42½ million	4450
150,001 to 175,000	5150	42½ million to 45 million	4550
175,001 to 200,000	5300	45 million to 47½ million	4650
200,001 to 225,000	5450	47½ million to 50 million	4750

Population	Salary	Assessed Valuation	Salary
225,001 to 250,000	5600	50 million to 55 million	4875
250,001 to 275,000	5800	55 million to 60 million	5000
275,001 to 300,000	6000	60 million to 65 million	5125
300,001 to 325,000	6200	65 million to 70 million	5250
325,001 to 350,000	6400	70 million to 75 million	5375
350,001 to 400,000	6650	75 million to 80 million	5500
400,001 to 450,000	6900	80 million to 85 million	5625
450,001 to 500,000	7150	85 million to 90 million	5750
		90 million to 95 million	5875
		95 million to 100 million	6000
		100 million to 125 million	6150
		125 million to 150 million	6300
		150 million to 175 million	6450
		175 million to 200 million	6600
		200 million to 225 million	6750
		225 million to 250 million	6900
		250 million to 275 million	7050
		275 million or more	7200

**50.641. Estimates—contents.**—1. The estimates of the circuit court referred to in section 50.640 which are to be included within the county budget by the budget officers and the county courts without change shall include those categories of expenditures to support the operations of the circuit court which are attributable to the business of the circuit judges, associate circuit judges and the staffs serving such judges.

2. Nothing contained in section 50.640 shall be construed as providing for the budgeting of county funds to fund the operation of municipal divisions of the circuit court.

**51.320. Additional salary (certain third class counties).**—In all counties of the third class in which prior to January 2, 1979 there was a court of common pleas, and in which county there are two courthouses in which there are certain county offices, the county clerk in such county shall receive a further sum of five hundred dollars in addition to the salary and remunerations provided in section 51.300.

**52.120. Branch office—location (certain third class counties).**—In all counties of the third class in this state that may now or hereafter have a population of twenty-five thousand and less than forty thousand, and in which there is a city of over fifteen thousand population, and in which said city there is a courthouse, more than seven miles distant from the courthouse in the county seat, and in which said courthouse in said city there are held regular and legally established sessions of court of district number 2 of the circuit court of that county, it shall be the duty of the collector of the revenues of such county to maintain in addition to his office at the county seat a branch office in the courthouse located in the said city of fifteen thousand population or more, for the convenience of the taxpayers of said county living within the jurisdiction of said district number 2 of the circuit court of that county.

**52.130. Branch office—records—deputies (certain third class counties).—**It shall be the duty of the collectors of the revenue of such counties to keep the tax books of such townships as may be under the jurisdiction of said district number 2 of the circuit court of that county in said branch office, and to keep one or more deputies in said office to attend to the duties thereof.

**52.385. Collector may maintain branch office, where (certain second class counties).—1.** In every county of the second class which on January 1, 1979, had a court of common pleas, the county collector may maintain a branch office for the convenience of taxpayers in the city where the court of common pleas was located in addition to his office in the county seat.

2. The county court shall provide suitable office space and equipment for the office.

3. The collector, subject to the approval of the county court, shall employ necessary deputies, assistants, or clerks to operate the branch office, and shall fix their compensation which shall be paid from the county treasury in the same manner as other county employees are paid.

4. The collector shall not receive any additional compensation for maintaining this branch office.

**55.125. Auditor shall maintain branch office, where (second class counties).—**

1. In every county of the second class which prior to January 2, 1979 had a court of common pleas, the county auditor shall maintain a branch office for the convenience of taxpayers in the city where the court of common pleas was located in addition to his office in the county if the county collector maintains a branch office in that city.

2. The county court shall provide suitable office space and equipment for the office, and may require the office to be located in the same place as the branch collector's office is located.

3. The auditor, subject to the approval of the county court, shall employ necessary deputies, assistants, or clerks to operate the branch office, and shall fix their compensation which shall be paid from the county treasury in the same manner as other county employees are paid.

4. The auditor shall not receive any additional compensation for maintaining this branch office.

**55.260. Records clerk to report to auditor within ten days after any judgment (second class and certain first class counties).—**Every clerk in charge of the records of each associate circuit judge of each county of the first class not having a charter form of government and of each county of the second class shall, within ten days after any judgment has been rendered in his court against any person for a fine or forfeiture, report to the auditor the name of the party against whom such judgment was rendered, the amount of the judgment, and on what account rendered.

**56.070. Prosecuting attorney's duties—exception.—1.** The prosecuting attorney shall represent generally the county in all matters of law, investigate all claims against the county, and draw all contracts relating to the business of the county. He shall give his opinion, without fee, in matters of law in which the county is interested, and in writing when demanded, to the county court or any judge thereof, except in counties which there is a county counselor.

2. Notwithstanding the provisions of subsection 1, in any county of the first class not having a charter form of government for which a county counselor is appointed, the prosecuting attorney shall only perform those duties prescribed by

subsection 1 which are not performed by the county counselor under the provisions of law relating to the office of county counselor.

**56.090. Must be present, when.**—No judge shall allow the cases alluded to in sections 56.060 and 56.080 to be tried before him, unless the prosecuting attorney or some one properly qualified to prosecute for him is present. The judge, before trying these cases, shall give due notice to the prosecuting attorney.

**56.310. Prosecuting attorney, fees.**—Prosecuting attorneys shall be allowed fees as follows, unless in cases where it is otherwise directed by law: For collections on recognizances given to the state in criminal cases, and which are or may become forfeited, ten per cent on all sums collected, if not more than five hundred dollars, and five per cent on all sums over five hundred dollars, to be paid out of the amount collected; for judgments upon any proceedings of a criminal nature, otherwise than by indictment or information, five dollars; for the conviction of every defendant for violating a state law in the circuit court, upon indictment or information, when the punishment assessed by the court or jury shall be fine or imprisonment in the county jail, or by both such fine and imprisonment, five dollars; for the conviction of every defendant in any case where the punishment assessed shall be by confinement in the penitentiary, except in cases of rape, arson, burglary, robbery, forgery or counterfeiting, ten dollars; for the conviction of every defendant of homicide, other than capital, or for offenses excepted in the last clause, twelve dollars and fifty cents; for the conviction of every defendant in a capital case, twenty-five dollars; for his services in all actions which it is or shall be made his duty by law to prosecute or defend, five dollars. No fee shall be allowed for obtaining judgment on a forfeited recognizance, unless the whole or a part thereof is collected, nor shall any fee be allowed when an indictment of any other proceeding of a criminal nature shall be quashed or held bad on demurrer, or judgment therein arrested by reason of the insufficiency of the indictment.

**56.445. Circuit attorney and assistants to devote full time to office—special assistants may engage in civil practice (St. Louis City).**—It shall be the duty of the circuit attorney of the city of St. Louis and of his assistants and associates to devote their entire time and energy to the discharge of their official duties; but the circuit attorney may in his discretion designate as many as seven of his assistants as provided for in section 56.540 as special assistant circuit attorneys and those special assistant circuit attorneys may be allowed to engage in the civil practice of law.

**56.450. Circuit attorney—duties (St. Louis City).**—The circuit attorney of the city of St. Louis shall manage and conduct all criminal cases, business and proceedings of which the circuit court of the city of St. Louis shall have jurisdiction. He shall appear for the state in all misdemeanor cases appealed from the circuit court of the city of St. Louis to the court of appeals.

**56.455. Circuit attorney to report on felons (St. Louis City).**—In addition to his other duties, the circuit attorney of the city of St. Louis shall make a detailed report of all information in his possession pertaining to each person committed to the state penitentiary by the circuit court of the city of St. Louis to the director of the state division of corrections and to the state board of probation and parole. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the

crime for which the convict was sentenced, whether he was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of the crime. The circuit attorney may include in the report his recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the division of corrections or board of probation and parole.

**56.460. Circuit attorney of St. Louis City, duty on felony and misdemeanor complaints—office hours.**—It shall be the duty of the circuit attorney of the city of St. Louis, in person or by assistants, to hear complaints in felony and misdemeanor cases and to file information in such cases with the clerk of the circuit court of the city of St. Louis and to prosecute the same in said court; and it shall be the duty of the circuit attorney, or such assistants as he may designate to attend at his office on each day of the week, except Sunday and national and state holidays, at all reasonable hours, for the purpose of preparing all complaints, affidavits and informations in such cases required by law to be lodged in said court.

**56.470. Arrests for felony or misdemeanor to be reported to circuit attorney, when—penalty for failure (St. Louis City).**—1. It shall be the duty of the chief of police of the city of St. Louis, within twenty hours after the arrest by the police of any person for felony or misdemeanor under the laws of this state to report to the circuit attorney the name of the person so arrested and the name of the prosecuting witness and of any other material witnesses known to the police, and said circuit attorney or his assistants shall thereupon proceed to institute such prosecution as is required by law if, in the judgment of such circuit attorney, the evidence presented to him is sufficient to justify a prosecution.

2. Any willful failure on the part of the chief of police, or other officer whose duty it shall be to act in the premises, to comply with the provisions of this section, shall be deemed a misdemeanor, and the offending party may be indicted and upon conviction punished by fine of not less than ten nor more than one hundred dollars, any law of this state or any ordinance of the city of St. Louis to the contrary notwithstanding.

**56.530. Circuit attorney, contingent fund.**—The treasurer of said city shall set aside the circuit attorney's fees so turned into the treasury of said city to be used as a contingent fund for the circuit attorney for the payment of the incidental expenses in bringing parties and witnesses from other states or countries and in properly preparing causes for trial, attending trial on changes of venue, attending at the taking of depositions, in printing briefs, and appearing before the appellate courts of the state, and generally such expenses as he may be put to in the proper and vigorous prosecution of the duties of his office. Such fund shall be paid out as needed to the circuit attorney by the said city treasurer out of said funds in the treasury of said city not exceeding thirty-two thousand dollars in any year upon warrant of the circuit attorney. At the end of each year said treasurer shall pay into the general revenue fund of such city any balance that may be in his hands from fees so collected exceeding the sum of one thousand dollars.

**56.540. Circuit attorney—assistants, investigations, clerical employees, duties, oath, compensation.**—1. The circuit attorney of such circuit may appoint one first assistant circuit attorney, one chief trial assistant, one warrant officer, one chief misdemeanor assistant and such additional assistant circuit attorneys as the circuit attorney deems necessary for the proper administration of his office, except that the number of assistant circuit attorneys shall not be less than thirty-two.

The appointments shall be in writing and shall be entered upon the minutes of the criminal divisions.

2. The circuit attorney may also appoint one chief clerk and five grand jury reporters, and as many clerks, criminal legal investigators, reporters, and stenographers as he deems necessary for the proper administration of his office, except that the number of such additional clerks, criminal legal investigators, reporters, and stenographers shall not be less than thirty. It is the duty of the clerks, reporters and stenographers to act as clerks, reporters and stenographers for the circuit attorney and, when so directed by him, the reporters and stenographers shall take down and transcribe, for his use, evidence before the grand jury or before any court of the circuit exercising criminal jurisdiction, or before the coroner at any inquest. Before taking down any evidence before the grand jury, the reporters and stenographers shall be sworn to secrecy and shall not divulge any testimony which they may hear except to the circuit attorney, or when lawfully required to do so in a court of record. The clerk, reporters and stenographers shall also perform other services as the circuit attorney may direct. The first assistant circuit attorney shall be paid a salary not to exceed twenty-two thousand dollars per year; one chief trial assistant a salary not to exceed twenty-two thousand dollars per year; one warrant officer a salary not to exceed twenty-two thousand dollars per year; one chief misdemeanor assistant a salary not to exceed twenty-two thousand dollars per year. All additional assistant circuit attorneys shall each be paid a salary of not less than eleven thousand dollars nor more than twenty-one thousand five hundred dollars per year as the circuit attorney may direct.

3. The chief clerk shall receive a salary not to exceed fifteen thousand dollars per year; the five grand jury reporters shall each receive a salary not to exceed eleven thousand dollars per year; and the additional clerks, stenographers, and reporters authorized by this section shall each receive salaries of not less than five thousand two hundred dollars nor more than eight thousand dollars per year as the circuit attorney may direct.

4. The criminal legal investigators shall be paid a salary of not less than seven thousand five hundred dollars nor more than eleven thousand dollars per year as the circuit attorney may direct.

5. All salaries shall be paid on a biweekly basis.

6. Appointments by the circuit attorney of assistant circuit attorneys, clerks, stenographers, reporters, criminal legal investigators, and all other personnel, in excess of the minimum numbers authorized by this section, shall be subject to the approval of the board of estimate and apportionment of the city of St. Louis.

**56.550. Circuit attorneys and assistants—oath—duties.**—Before entering upon the duties of their office, the circuit attorney and said assistants shall be severally sworn to support the Constitution of the United States and the Constitution of Missouri, and to faithfully demean themselves in office. The duties of said assistants shall be to assist the circuit attorney generally in the conduct of his office, under his direction and subject to his control; and said circuit attorney and his assistants shall institute and prosecute all criminal actions in the circuit court. The circuit attorney and said assistant circuit attorneys, when so directed by the circuit attorney, may attend upon the grand jury.

**56.600. Circuit attorney—salary—fees, collection, disposition.**—The circuit attorney shall receive an annual salary of twenty-two thousand five hundred dollars payable monthly at the end of each month from the treasury of the city; and his salary shall constitute his sole compensation for all duties required to be performed by him under the law. The circuit attorney's fees shall continue to be

taxed as heretofore, but when collected shall be turned into the treasury of the city. All circuit attorney's fees in criminal cases not paid by the state shall be collected by the circuit clerk or responsible clerk and by him paid into the treasury of the city. When such fees are paid by the state, they shall be paid into the city treasury in the manner now provided by law.

**57.020. Bond.**—Every sheriff shall, within fifteen days after he receives the certificate of his election or appointment, give bond to the state in a sum not less than five thousand dollars nor more than fifty thousand dollars, with sureties approved by the presiding judge of the circuit court, conditioned for the faithful discharge of his duties; which bond shall be filed in the office of the clerk of the circuit court of the county.

**57.090. To attend courts—when.**—The several sheriffs shall attend each division of the circuit court presided over by a circuit or associate circuit judge held in their counties, when so directed by the court; and it shall be the duty of the officer attending any court to furnish stationery, fuel, and other things necessary for the use of the court whenever ordered by the court.

**57.100. Duties generally.**—Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges.

**57.125. Investigation of personnel for circuit court—jurors (certain first class counties).**—1. In all counties of class one having a population of less than seven hundred thousand inhabitants, whenever the appointment of deputies and assistants is required by law to be approved by circuit judges of the circuit court, and an investigation or examination of the applicants is caused to be made by the judges, the sheriff of the county shall conduct the examination or investigation.

2. At the request of the jury commissioners, the sheriff shall investigate the qualifications of prospective jurors.

**57.130. Penalties and forfeitures, collection of.**—The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

**57.150. At expiration of term, to turn over funds to successor.**—Whenever the term of office of any sheriff shall expire, it shall be the duty of said sheriff to turn over to his successor in office all money in his hands due any party to a partition suit, either plaintiff or defendant, all money due guardians ad litem or attorneys, and all money due any witness, juror, circuit clerk, responsible clerk, county clerk, judge, sheriff or coroner, or due anyone who has formerly held any one of said offices. The fees due for paying out any such fees or money shall thereupon be due to the sheriff receiving such fees or money. The sheriff receiving such fees or receiving money due any party to a partition suit, or due any guardian ad litem or attorney, and the securities on said sheriff's bond, shall be laible for the payment of said money to the person or persons entitled thereto, or for

the payment of the same to the county treasurer, or the state treasurer, as is now provided by law.

**57.220. Appointment of deputies (second class counties).—**The sheriff, in a county of the second class, shall be entitled to such a number of deputies as a majority of the circuit judges of the circuit court shall deem necessary for the prompt and proper discharge of the duties of his office, provided however, such number of deputies appointed by the sheriff shall not be less than one chief deputy sheriff and one additional deputy for each five thousand inhabitants of the county according to the last decennial census. Such deputies shall be appointed by the sheriff, but no appointment shall become effective until approved by a majority of the circuit judges of the circuit court of the county. A majority of the circuit judges of the circuit court, by agreement with the sheriff, shall fix the salaries of such deputies. A statement of the number of deputies allowed the sheriff, and their compensation, together with the approval of any appointment by such judges of the circuit court shall be in writing and signed by them and filed by the sheriff with the county court.

**57.230. Salaries of deputies from county treasuries.—**The county shall pay the salaries, in the amount approved by a majority of the circuit judges of the circuit court, of each deputy appointed by the sheriff and approved by a majority of the circuit judges of the circuit court.

**57.250. Appointment of deputies—compensation—duty of circuit judges (third and fourth class counties).—**The sheriff in counties of the third and fourth classes shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of a majority of the circuit judges of the circuit court, as such judges shall deem necessary for the prompt and proper discharge of his duties relative to the enforcement of the criminal law of this state. Such judges of the circuit court, in their order permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judges shall annually, and oftener if necessary, review their order fixing the number and compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county. Each such order shall be entered of record and a certified copy thereof shall be filed in the office of the county clerk. The sheriff may at any time discharge any deputy or assistant and may regulate the time of his or her employment.

**57.260. Duties—penalty for neglect (Marion County).—**It shall be the duty of the sheriff of Marion county to have at least one deputy, residing in the city of Hannibal, who shall attend district number 2 of the circuit court of Marion County at Hannibal; and if said sheriff shall neglect for one month to appoint a deputy residing in the city of Hannibal, as required by this section, he shall be liable to pay as a penalty therefor the sum of five hundred dollars for each month of such failure or neglect, and judgment may be entered for said penalty on a citation to show cause, issued from said court and served on said sheriff in like manner as an order or summons, or may be recovered by an action for that purpose brought in the name of the county of Marion.

**57.280. Fees.—**Fees of sheriffs shall be allowed for their services as follows:  
 For summoning a standing jury ..... \$8.40  
 For serving every summons or original writ and returning the same for  
 each defendant ..... 1.00



For serving a writ of seire facies or attachment for each defendant .....	1.00
For taking and returning every bond required by law .....	.50
For serving a writ or order of injunction for each defendant .....	1.00
For serving a habere facias possessionem or sequestration .....	2.00
For levying every execution .....	1.00
And when served on real estate the officer shall be bound to go on the land, or sufficiently near it, if necessary, in order to describe it properly.	
For making, executing and delivering a sheriff's deed to be paid by the purchaser, all tracts of land purchased at the same sale to be included in one deed, if the purchaser desires it .....	2.50
For every return of non est on a writ original or judicial .....	1.00
For return of nulla bona .....	.50
For executing a writ of ad quod damnum in any case drawing the inquisition and returning the same .....	2.00
For each mile actually traveled in serving any venire summons, writ, subpoena or other order of court when served more than five miles from the place where the court is held, provided that such mileage shall not be charged for more than one witness subpoenaed or venire summons or other writ served in the same cause on the same trip .....	.15
For executing and returning a special venire facias .....	2.00
For summoning a jury in case and calling the same at trial .....	1.00
For summoning each witness .....	.50
For return of non est on a subpoena .....	.25
For serving every notice or rule of court, notice to take depositions or citation .....	.50
For attending each court of record or criminal court and for each deputy actually employed in attendance upon such court the number of such deputies not to exceed three per day .....	3.00
Except in cities and counties having a population of one hundred thousand inhabitants or over in which each deputy shall be allowed for each day during the term of said court .....	3.00
For every action called at each term .....	.05
For calling each party .....	.05
For calling each witness .....	.05
For the safekeeping, supporting and removing livestock and other property seized under legal process, such fees as the court out of which the process is issued shall deem reasonable, to be paid as other costs.	
For commission for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, three percent on five hundred dollars and two percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.	
The party at whose application any writ, execution, subpoena or other process has issued from the supreme court shall cause the same to be returned without fee unless the court shall, for special reasons, order the personal attendance of the sheriff, in which case he shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held .....	.15
Provided, that in all counties having over fifty thousand and under six hundred thousand inhabitants, shall be allowed for their services for at-	

tending each court, per day, three dollars for each day and every day (Sundays excepted) during the term of each of said courts; provided further, that no mileage shall be paid when per diem is charged for days that services are rendered. No mileage fees for serving any writ, summons or other legal process shall be collected unless the sheriff shall actually travel the distance for which he makes such charge; provided, that in all counties of this state which now have or may hereafter have a population of more than fifty thousand inhabitants and less than one hundred and twenty-five thousand inhabitants, the sheriff shall not be allowed the fee of three dollars per day for himself or deputies for attendance on the county court or probate division of the circuit court except for such days as such court shall by an order request such an attendance.

**57.320. County may supply automobiles to sheriff and deputies (first class counties).—**In all counties of this state of the first class the county court may provide and supply the sheriff and deputy sheriffs of such county with such number of police cars or automobiles as may be needed for the efficient performance of the duties of such office.

**57.460. Bond, by whom approved (St. Louis City).—**The official bond of said sheriff shall be in such sum as is prescribed by law, and shall be approved by the presiding judge of the St. Louis circuit court.

**57.470. Process of courts in St. Louis City directed to sheriff of St. Louis City for service—exception.—**All process of the circuit court in said city of St. Louis, except the municipal divisions thereof, shall be directed to and executed by the sheriff of said city.

**57.475. To investigate certain deputies for circuit court (St. Louis City).—**Whenever the appointment of deputies and assistants is required by law to be approved by the circuit or associate circuit judges of the city of St. Louis, and an investigation or examination of the applicants is caused to be made by such judges, the sheriff of the city of St. Louis shall conduct the examination or investigation.

**57.530. May appoint deputies and fix compensation, limits (St. Louis City).—**The sheriff of the city of St. Louis shall, with the approval of a majority of the circuit judges of the circuit court of said city, appoint as many deputies and assistants as may be necessary to perform the duties of his office, and fix the compensation for their services, which compensation, however, shall not in any case exceed the annual rate of compensation fixed by the board of aldermen of the city of St. Louis therefor.

**58.370. Death by felony—duty of coroner.—**The coroner, upon an inquisition found before him of the death of any person by the felony of another, shall speedily inform one or more associate circuit judges of the proper county, or some judge or justice of some court of record, and it shall be the duty of such officer forthwith to issue his process for the apprehension and securing for trial of such person.

**58.610. Costs, when paid in advance.—**The county court may authorize and require the coroner to pay, at the view or inquest itself, the legal fees due to jurors, witnesses and interpreters at the same, out of money to be advanced to him, from time to time, out of the county funds, and for the legal disbursement

of which he and his sureties shall be liable on his official bond, in any county in which such order shall have been made by the county court thereof; jurors, witnesses and interpreters, at any view or inquest, shall receive only such fees as are allowed by law, for the time being, for like services in a civil case before an associate circuit judge; and the county court may prescribe the form and manner in which the coroner shall make proof to it of his payment of such fees. It shall be the duty of the coroner to summon to the view or inquest only such number of witnesses as, from a preliminary inquiry into the nature of the case, and the cause of the death, may reasonably appear sufficient to prove the essential facts thereof; and if it shall appear to the county court that any witness had been unnecessarily summoned to testify at a view or inquest, the fees paid as aforesaid to such witness shall not be allowed in favor of the coroner in the settlement of his account for the money so advanced to him as aforesaid, except in a case in which some credible person shall have declared, under oath, to the coroner, that the person whose body is to be viewed came to his death by violence, or other criminal act of another, the coroner shall not summon any jury, but shall himself view the body and declare the cause of death.

**59.300. Deputies, counties wherein clerk is ex officio recorder—appointment—qualifications.**—The circuit clerk and recorder in counties of the fourth class, and in counties of the third class wherein the offices shall have been combined, as recorder of the county, may appoint in writing one or more deputies, to be approved by the circuit judge of the circuit court, which appointment with the like oath of office as their principals, to be taken by them and indorsed thereon shall be filed in the office of the county clerk. Such deputy recorders shall possess the qualifications of clerks of courts of record, and may, in the name of their principals, perform the duties of recorders of deeds, but all circuit clerks and recorders and their sureties shall be responsible for the official conduct of their deputies.

**65.350. Board compelled to allow appeal, when.**—In all counties in this state that have adopted or that may hereafter adopt township organization, if any township board, clerk or other officer thereof fail to allow an appeal in the cause when the same ought to be allowed, or if by absence, sickness or any other cause on his part, an appeal cannot be taken within time, the circuit court on such fact satisfactorily appearing, may, by rule and attachment, compel such board or other officer to allow the same, and to return his proceedings in the suit, together with the papers required to be returned by him.

**66.010. Violation of county ordinances, where prosecuted.**—Any county of class one framing and adopting a charter for its own government under the provisions of section 18, article VI of the constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided.

**66.020. Style of prosecutions—complaints—sufficiency of testimony.**—1. All prosecutions for the violation of such a county ordinance shall be titled: "The county of ..... against ..... (naming the county and the person or persons charged).

2. The complaint when made by a peace officer against any person arrested without process and in custody shall be reduced to writing and sworn to by such officer and an information filed with the court as provided in section 66.030 before such person shall be put upon his trial.

3. In no case shall a judgment of conviction be rendered except when sufficient legal testimony is given on a public trial or upon a plea of guilty.

**66.030. Informations by county counselor.**—All informations involving violation of county ordinances shall be made by the county counselor, or his assistants, on their oath of office and shall be filed with the court as soon as practicable, and before the party accused shall be put upon his trial or required to answer the charge for which he may be held in custody; provided, that complaints subscribed and sworn to by any other person competent to testify against the accused shall be filed and proceeded upon in the same manner as complaints alleging the commission of a misdemeanor.

**66.040. Warrants, how directed and executed.**—All warrants issued by the court shall be directed to the sheriff or peace officer of the county and executed by them at any place within the county, and not elsewhere, unless said warrants are endorsed in the manner provided for warrants in criminal cases, and when so indorsed shall be served in other counties as provided for warrants in criminal cases.

**66.050. Cause heard, when—postponement—bond.**—When any person shall be arrested, charged with a violation of a county ordinance, and brought before the court, it shall be the duty of the court to hear and determine forthwith the complaint alleged against the defendant, unless for good cause the trial is postponed to a time certain, in which case the defendant shall be required to enter into a recognizance, with sufficient security, conditioned that he will appear before said court at the time and place appointed, then and there to answer the complaint made against him; and if he fails or refuses to enter into such recognizance, the defendant shall be committed to the county jail and held to answer the complaint as aforesaid.

**66.060. Recognizance forfeited, procedure.**—1. In case of a breach of any recognizance entered into as provided herein, the recognizance shall be deemed forfeited and the court shall cause it to be prosecuted against the principal and surety or against either of them alone. Such action shall be in the name of the county as plaintiff and all moneys recovered in any such action shall be paid over to the county treasurer to the credit of the general revenue fund of the county.

2. Judgments rendered under this section by an associate circuit judge when the cause is not tried with a record thereof being made shall be subject to an application for a trial de novo and judgments rendered under this section by a circuit judge or by an associate circuit judge when the cause is tried with a record being made may be appealed to the court of appeals, such application for a trial de novo or appeal to be made in like manner and within the same time as provided with respect to judgments in misdemeanor cases.

**66.070. Several persons jointly charged—amendment of complaint.**—Complaints filed alleging violation of a county ordinance may include any number of persons charged with the same offense, and no proceedings shall be dismissed or defendant discharged by reason of any informality or irregularity in any complaint; but such complaint may, by leave of the court, at any time before or during the trial prior to the retirement of the jury or the findings of the judge, be amended without prejudice to the proceedings.

**66.080. Punishment assessed, when—maximum penalty.**—1. If the defendant pleads or is found guilty of a violation of a county ordinance, the judge shall declare and assess the punishment prescribed by ordinance according to his finding or verdict of the jury and render judgment accordingly and for costs, except that the punishment so assessed shall not exceed a fine of more than one thousand

dollars or imprisonment in the county jail for more than one year or both such fine and imprisonment.

2. It shall be a part of such judgment that the defendant stand committed until such judgment is complied with.

**66.090. Prosecuting witness to give security for costs, when.**—In the event a complaint is made by a person other than the county counselor or a peace officer, the court may require the complainant to give security for the costs in such action.

**66.100. Fines recorded—how paid.**—All fines paid in prosecutions involving the violation of a county ordinance shall be recorded in a separate docket of fines and the officer collecting such fines shall turn them over to the county treasurer to be credited as provided by ordinance; and all costs shall be assessed, charged and paid as in other misdemeanor cases in circuit courts.

**66.110. Court fees and costs, how collected—disposition.**—In each proceeding had in circuit court involving a violation of a county ordinance the same fees and costs shall be allowed and collected as in other misdemeanor cases, except that no prosecutor's fee shall be allowed. All such fees and costs charged and collected shall be paid over by the responsible clerk to the same officers in the same manner and in the same proportions as in other misdemeanor cases. The county shall not be required to pay a filing fee.

**66.120. Change of venue—disqualification of judge—procedure.**—A change of venue and disqualification of judge shall be allowed for the same reasons and proceeded upon in the same manner as in other misdemeanor cases.

**66.130. Sheriff to enforce ordinances.**—The sheriff or other law enforcement officials authorized by county charter or ordinance of such county are charged with the enforcement of all county ordinances.

**66.140. Procedure same as in misdemeanor cases.**—Unless in conflict with the provisions of this chapter, all provisions of law relating to proceedings before associate circuit judges in circuit courts in misdemeanors shall apply to actions before such courts involving the violation of county ordinances; except that a judgment establishing that an individual has violated a county ordinance shall not be deemed to be a conviction for a misdemeanor within the meaning of section 556.040, RSMo. Such cases involving the violation of county ordinances shall be heard before associate circuit judges in the same manner as other misdemeanor cases unless such cases are assigned to a circuit judge for hearing. The same provisions relative to application for trial de novo or appeal shall apply in county ordinance violation cases as in other misdemeanor cases.

**70.600. Definitions.**—The following words and phrases as used in sections 70.600 to 70.760, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the total of all amounts deducted from the compensations of a member and standing to his credit in his individual account in the members deposit fund, together with investment credits thereon;

(2) "Actuarial equivalent", a benefit of equal reserve value;

(3) "Allowance", the total of the annuity and the pension. All allowances shall be paid not later than the tenth day of each calendar month;

(4) "Annuity", a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of a person or for a temporary period;

(5) "Beneficiary", any person who is receiving or designated to receive a system benefit, except a retiree;

(6) "Benefit program", a schedule of benefits or benefit formulas from which the amounts of system benefits can be determined;

(7) "Board of trustees" or "board", the board of trustees of the system;

(8) "Compensation", the remuneration paid an employee by a political subdivision or by an elected fee official of the political subdivision for personal services rendered by the employee for the political subdivision or for the elected fee official in his public capacity; provided, that for an elected fee official, "compensation" means that portion of his fees which is net after deduction of (a) compensation paid by him to his office employees, if any, and (b) the ordinary and necessary expenses paid by him and attributable to the operation of his office, such net portion in no instance to exceed the sum of fifteen thousand dollars per calendar year for the purposes of the system. In cases where an employee's compensation is not all paid in money, the political subdivision shall fix the reasonable value of his compensation not paid in money;

(9) "Credited service", the total of a member's prior service and membership service, to the extent such service is standing to his credit as provided in sections 70.600 to 70.760;

(10) "Employee", any person regularly employed by a political subdivision who receives compensation from the political subdivision for personal services rendered the political subdivision, including any elected official of the political subdivision whose position requires his regular personal services and who is compensated wholly or in part on a fee basis, and including the employees of such elected fee officials who may be compensated by such elected fee officials. The term "employee" shall not include any person

(a) Who is included as an active member in any other plan similar in purpose to this system by reason of his employment with his political subdivision including without limitation by enumeration circuit judges and associate circuit judges, except the federal social security old age, survivors, and disability insurance program, as amended; or

(b) Who acts for the political subdivision under contract; or

(c) Who is paid wholly on a fee basis, except elected officials and their employees; or

(d) Who holds the position of mayor, presiding judge, president or chairman of the political subdivision or is a member of the governing body of the political subdivision; except that such an official of a political subdivision having ten or more other employees may become a member if he is covered under the federal social security old age, survivors, and disability insurance program, as amended, by reason of his employment with his political subdivision, by filing written application for membership with the board within thirty days after the date he qualifies for such position or within thirty days after the date his political subdivision becomes an employers, whichever date is later;

(11) "Employer", any political subdivision which has elected to have all its eligible employees covered by the system;

(12) "Final average salary", the monthly average of the compensations paid an employee during the period of sixty consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty consecutive months of credited service immediately preceding his termination of membership. Should a member have less than sixty months of credited service, "final average salary" means the monthly average of compensations paid him during his total months of credit service;

(13) "Fireman", any regular or permanent employee of the fire department or a political subdivision, including probationary fireman. The term "fireman" shall not include

(a) Any volunteer fireman; or

(b) Any civilian employee of a fire department; or

(c) Any person temporarily employed as a fireman for an emergency;

(14) "Member", any employee included in the membership of the system;

(15) "Membership service", employment as an employee with the political subdivision from and after the date such political subdivision becomes an employer which employment is creditable as service hereunder;

(16) "Minimum service retirement age", age sixty for a member who is neither a policeman nor a fireman; "minimum service retirement age", age fifty-five for a member who is a policeman or a fireman;

(17) "Pension", a monthly amount derived from contributions of an employer and payable by the system throughout the life of a person or for a temporary period;

(18) "Policeman", any regular or permanent employee of the police department of a political subdivision, including probationary policeman. The term "policeman" shall not include

(a) Any civilian employee of a police department; or

(b) Any person temporarily employed as a policeman for an emergency;

(19) "Political subdivision", any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts;

(20) "Prior service", employment as an employee with the political subdivision prior to the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(21) "Regular interest" or "investment credits", such reasonable rate or rates per annum, compounded annually, as the board shall adopt annually;

(22) "Reserve", the present value of all payments to be made on account of any system benefit based upon such tables of experience and regular interest as the board shall adopt from time to time;

(23) "Retirant", a former member receiving a system allowance by reason of having been a member;

(24) "Retirement system" or "system", the Missouri local government employees' retirement system.

**71.090. Unincorporated town or village—change of name.**—When the plat of any unincorporated town or village shall be placed upon record in any county of this state, the circuit court of said county shall have power to change the name of such unincorporated town or village, upon a petition of a majority of the legal voters residing within the limits of such town or village; provided, notice of the proposed change of name shall be filed in the office of the secretary of state, as provided in section 71.030.

**71.220. City prisoners, labor on public works—fines payable in installments.**—

1. The various cities, towns and villages in this state, whether organized under special charter or under the general laws of the state, are hereby authorized and empowered to, by ordinance, cause all persons who have been convicted and sentenced by the court having jurisdiction, for violation of ordinance of such city, town or village, whether the punishment be by fine or imprisonment, or by both, to be put to work and perform labor on the public streets, highways and alleys or other public works or buildings of such city, town or village, for such purposes

as such city, town or village may deem necessary. And the marshal, constable, street commissioner, or other proper officer of such city, town or village, shall have power and be authorized and required to have or cause all such prisoners as may be directed by the mayor, or other chief officer of such city, town or village, to work out the full number of days for which they may have been sentenced, at breaking rock, or at working upon such public streets, highways or alleys or other public works or buildings of such city, town or village as may have been designated. And if the punishment is by fine, and the fine be not paid, then for every ten dollars of such judgment the prisoner shall work one day. And it shall be deemed a part of the judgment and sentence of the court that such prisoner may be worked as herein provided.

2. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge, or other official, assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.

**71.260. What consent necessary.**—But no such vacation of a street or alley shall take place, unless the consent of the persons owning two-thirds of the property immediately adjoining thereto be obtained therefor in writing, which consent shall be acknowledged before some circuit or associate circuit judge and filed for record in the recorder's office in said county.

**71.590. Condemnation of property for street railways—ascertainment and payment of damages—procedure.**—1. Before taking or damaging any property in the construction of a railroad under such franchise, the said corporation shall cause to be ascertained and determined the damages that will be done by the building and operation of such railroad, to the real and personal property situated on the route fixed by the ordinance defining said franchise, and shall pay to the owner or owners of the real and personal property so affected, or into court for them, the amount of their respective damages.

2. In case the said corporation fails to agree with the owners thereof for the proper compensation for the damages done or likely to be done or sustained by reason of the construction and operation of said railroad, or if, by reason of the legal incapacity of any such owner, no compensation can be agreed upon, the circuit court having jurisdiction over the town or city granting such franchise on application of said corporation shall appoint three disinterested freeholders of such town or city, who shall give personal notice to all owners or their agents of property affected, if they can be found, as well as ten days' notice by advertisement in the newspapers doing the printing of such town or city, of their time and place of meeting; and the said commissioners having been first duly sworn to perform their duties justly and impartially and a true report to make, shall fully examine into the construction and operation of said railroad and its effects upon the real and personal property damaged thereby, making just allowances for the advantages which may have resulted or which may result to the owner or owners of property for which damages may be claimed or allowed, and after such comparison, shall estimate and determine how much damages, if any, such property may have sustained or seems likely to sustain by reason thereof, and make report of the same, and if no exceptions be filed within ten days thereafter, or in the event exceptions are filed and overruled, the court shall confirm the report and enter judgment thereon; from which judgment either or any party shall be entitled to an appeal or writ of error as in other cases. If the proceeding seeks to affect the property of persons under guardianship, the guardians must be made parties, and if the property of married women, their husbands must be made parties.



3. The petition shall set forth the general nature of the franchise granted, the nature of the railroad to be constructed and operated, causing or likely to cause damage to private property for public use, together with all facts necessary to give the court jurisdiction in the premises, the names of owners of the several parcels of land and personal property to be affected thereby, if known, or, if unknown, a correct description of the property or interest whose owners are unknown. The petition may be presented to the circuit court. Upon filing the petition, a summons shall be issued giving the defendants at least ten days' notice of the time when said petition will be heard, which summons shall be served in the same manner as writs of summons are or may be by law required to be served. If the name or residence of any defendant be unknown, or if any defendant does not reside within this state, notice of the time of hearing the petition, reciting the substance of the petition, and the day fixed for the hearing thereof, shall be given by publication for four consecutive weeks prior to the hearing of the petition, in the paper doing the town or city printing, and the court, being satisfied that due notice of the pending of the petition has been given, shall make the appointment of said commissioners.

4. The report of the commissioners to the circuit court shall be in writing and under oath, and filed with the clerk thereof, and the damages allowed to each owner of property affected shall be separately stated. The report of the commissioners may be reviewed by the circuit court on written exceptions filed by any party in the clerk's office within ten days after filing of such report, and the court shall make such order therein as right and justice may require, and may order a new appraisalment on good cause shown, but the hearing of such exceptions shall be summary, and the court shall fix a day therefor without delay. The costs of the proceedings up to and including the filing of the commissioners' report shall be paid by the said corporation, but all costs caused by any subsequent litigation shall be paid by the losing party. All damage found by said commissioners shall, within thirty days after filing their report, be paid to the owners of the property damaged, or into court for them, by the said corporation, and if the same is not so paid as aforesaid, said railroad shall not be constructed.

**77.370. Elective officers—terms.**—1. Except as hereinafter provided, the following officers shall be elected by the qualified voters of the city: Mayor, attorney, assessor, collector, treasurer and, except in cities which adopt the merit system police department, a marshal.

2. The attorney shall be a person licensed to practice law in Missouri.

3. Whenever a city contracts for the assessment of property or the collection of taxes by the county or township assessor or collector, respectively, as authorized by section 70.220, RSMo, the city council shall by ordinance provide that at the expiration of the term of the then city assessor or collector, as the case may be, the office is abolished and thereafter no election shall be had to fill the office; except that in the event the contract expires and, for any reason, is not renewed, the council may by ordinance provide for the election of such officer at the next and succeeding regular elections for municipal officers.

4. The term of office for each of the officers is two years except the office of mayor which is a four year term. All officers hold office until their successors are duly elected and qualified.

**77.390. Officer's oath—bond.**—Every officer of the city and his assistants, and every councilman, before entering upon the duties of his office, shall take and subscribe to an oath or affirmation before some court of record in the county, or the city clerk, that he possesses all the qualifications prescribed for his office by

law; that he will support the Constitution of the United States, and of the state of Missouri, the provisions of all laws of this state affecting cities of this class, and the ordinances of the city, and faithfully demean himself in office; which official oath or affirmation shall be filed with the city clerk. Every officer of the corporation, when required by law or ordinance, shall, within fifteen days after his election or appointment, and before entering upon the discharge of the duties of his office, give bond to the city in such sum and with such sureties as shall be designated by ordinance, conditioned for the faithful performance of his duty, and that he will pay over all moneys belonging to the city, as provided by law, that may come into his hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the city, or by any person in the name of the city for the use of such person

**77.560. Slaughterhouses, stockyards.**—The council shall have power, by ordinance, to secure the general health of the inhabitants of the city by any measure to regulate, suppress or abate slaughterhouses, slaughtering animals, stockyards, soap and other factories, pigpens, cow stables and other stables and dairies, coal oil tanks and factories, and to remove the same; and to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health, or the manufacturing or vending of articles obnoxious to the health of the inhabitants; to prevent, abate and remove nuisances in a summary manner at the cost of the occupant or owner of the premises where the nuisance or the cause thereof may be; provided, that the same was caused by the occupant or owner of the premises or his agent; and all costs and expenses incurred by the city in removing or abating any nuisance on private property within the city limits may be assessed against the occupant or owner, if caused by them or either of them or their agent, and the same shall be assessed by the council as a special tax bill against such private property, which shall be a special lien against such property in the same manner and with the same effect that special tax bills are for paving; or the cost of removing or abating such nuisance may be made a part of the judgment by the judge; in addition to the fine imposed, in case of conviction in court of the person causing or maintaining any such nuisance; and the power is hereby given the city council to provide punishments for persons causing or maintaining nuisances in the city, or within one mile thereof. The council may also provide for a health commissioner and board of health to perform such duties and such powers as may be prescribed by ordinance; and may provide for the condemnation of goods, merchandise, clothing, furniture and other personal property containing the germs of contagious or infectious dangerous disease, whenever the same is necessary for the health of the city; but in every case where private property is so condemned and destroyed, due compensation shall be made to the owner thereof, upon the appraisalment of five disinterested commissioners appointed by the mayor.

**78.070. Mayor and councilmen to superintend departments—council to elect city officers.**—The mayor shall be superintendent of the department of public affairs and the council shall at the first regular meeting after election of its members designate by a majority vote one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety, and one to be superintendent of the department of street and public improvements and one to be superintendent of the department of parks and public property; provided, however, that in cities having a population of less than

twenty thousand there may be designated to each councilman two of said departments. Such designation shall be changed whenever it appears that the public service would be benefited thereby. The council shall at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, attorney, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market master, street commissioner, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city; provided, however, that only such of the above officers shall be appointed as may in the judgment of the mayor and councilmen be necessary for the proper and efficient transaction of the affairs of the city. Any officer or assistant elected or appointed by the council may be removed from office at any time by a vote of a majority of the members of the council, except as otherwise provided in sections 78.010 to 78.420.

**78.370. General powers and duties.**—The council shall have the power to enforce the attendance of witnesses, the production of books and papers and power to administer oaths in the same manner and with like effect and under the same penalties as in the case of associate circuit judges exercising criminal or civil jurisdiction under the statutes of Missouri. Said commissioners shall make annual report to the council and it may require a special report from said commission at any time; and said council may prescribe such rules and regulations for the proper conduct of the business of the said commission as shall be found expedient and advisable, including restrictions on appointments, promotions, removals for cause, roster of employees, certification of records to the auditor, and restrictions on payment to persons improperly employed.

**79.040. Election ordered.**—If, at any time, by reason of nonacceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order an election, any judge of the county court, or associate circuit judge of the county, is empowered to order and hold an election for city officers.

**79.460. Board may prohibit carrying concealed weapons.**—The board of aldermen may adopt ordinances providing for the prohibition of and punishment for the prohibition of and punishment for the carrying of concealed deadly weapons, and may also adopt ordinances providing for the prohibition of vagrancy and providing that upon conviction one adjudged guilty may be imprisoned, fined or set to work.

**80.560. Failure to elect officers—procedure.**—In case of the failure of any election of trustees or other officers, a majority of the trustees then in office, or any associate circuit judge of the county in which said town or village is situated, may cause the election to be held on any other day.

**81.075. Officers—election (cities attaining 3,000 to 10,000 after grant of charter in certain counties).**—1. At the next general election for municipal officers in all cities and towns under special charter, located in counties of the first class under a charter form of government, which have attained a population of three thousand inhabitants and not more than ten thousand inhabitants subsequent to the granting of their special charter, and at each general election for municipal officers thereafter, there shall be elected a mayor and two councilmen from each ward, each of which shall hold their respective offices for four years and until their successors are elected and qualified; provided that at the next general election for municipal officers there shall be elected one councilman from each ward, who shall serve for a term of four years and the year next following such an elec-

election, at the time of holding the general election for municipal officers, there shall be elected one councilman from each ward, who shall serve for a term of one year, after which election there shall be elected, at each succeeding general election for municipal officers, one councilman from each ward, who shall serve for a period of four years.

2. Such a city may by ordinance make provisions for the date of its general election provided that such date is in conformance with the laws of this state.

**81.140. Election and appointment of certain officers—tenure (cities of 10,000 to 30,000).**—At the next general election for municipal officers in all cities and towns under special charters which have not less than ten thousand inhabitants nor more than thirty thousand inhabitants there shall be elected a mayor, an attorney, a marshal or chief of police, and such other officers as the charter and ordinances of such city or town may provide, each of whom shall hold their respective offices for a term of two years, and their successors shall be elected accordingly, provided, however, any such city may provide by ordinance that marshal, chief of police and attorney may be appointed by the mayor, subject to the approval of the city council, and such ordinance may further provide that all or any of such officers when so appointed and any of the other appointive officers of any such city, except the members of the board of public works, shall hold office for an indefinite term and during the pleasure of the mayor and city council of such cities.

**81.195. Officers, terms (cities of 30,000 to 250,000 in St. Louis County).**—1. At the general election for municipal officers to be held in the latest calendar year in which the terms of office of the present incumbents expire in all cities and towns under special charter, located in counties of the first class under a charter form of government, which have attained a population of more than thirty thousand inhabitants but less than two hundred fifty thousand inhabitants subsequent to the granting of their special charter, and every four years thereafter, there shall be elected a mayor and two councilmen from each ward, each of whom shall hold their respective offices for a term of four years and until their successors are elected and qualified; except, that if the terms of office of the present incumbent councilmen are staggered and expire at different times so as to elect one councilman from each ward every two years for a term of four years, councilmen will be elected at the general election for municipal officers to be held in the calendar year in which the terms of office of each of the present incumbent councilmen expire, and every four years thereafter.

2. The incumbent mayor and councilmen holding office by virtue of their election under provisions of a special charter or any provisions of this chapter at the time this section becomes effective shall continue to hold office until their terms for which so elected expire and their successors are elected and qualified.

3. Cities under this section may by ordinance make provisions for the date of their general election provided that the date is in conformance with the laws of this state.

**81.280. Elective officers—terms—appointment—offices combined—section to be effective after vote (cities of 7,500 to 100,000 in certain counties).**—1. At the next general election for municipal officers in all cities and towns under special legislative charters, located in a county containing a city, or a part of a city, of over four hundred thousand population, which have attained a population of seven thousand five hundred inhabitants, and not more than one hundred thousand there shall be elected one alderman from each ward for a four year term and one alderman from each ward for a two year term, after which there shall be elected

at each succeeding general election for municipal officers in the city or town, one alderman from each ward for a four year term; and at the next general election, and every four years thereafter, there shall be elected a mayor for a four year term; and at the next general election, and at each general election for municipal officers thereafter, there shall be elected an attorney, a treasurer, who shall be, by virtue of his office, collector of revenue of the city, an auditor, and a clerk, each of whom shall hold their respective offices for a term of two years, and their successors shall be elected accordingly, except that any such city may provide by ordinance that the attorney, treasurer, and clerk be appointed by the mayor, subject to the approval of the city council, and the ordinance may further provide that all or any of such officers when so appointed and any of the appointive officers of any such city, except the members of any board created by statute, shall hold office for an indefinite term and at the pleasure of the mayor and city council. In addition to the above officers the city council shall provide by ordinance for the appointment of an assessor and a chief of police, whose duties shall be prescribed by ordinance.

2. The city council may by ordinance combine the offices of clerk and treasurer. When so combined, this office may be filled by election at each regular municipal election or may be made appointive by ordinance under the same provisions applying to the offices separately.

3. The provisions of this section shall apply only after a majority of the electors voting thereon at a municipal election approve the effectiveness of this section for such city or town. The question shall be placed upon the ballot by a petition signed by a number of qualified voters of the city or town equal to five percent of the total number of votes cast for mayor at the last election, or by a resolution of the board of aldermen of the city or town.

**82.340. Powers and duties of license collector.**—The said license collector shall have exclusive authority in all such cities to issue all licenses and receipts for license taxes, except water, dramshop and boat or wharf licenses; he shall have authority to revoke any license by him granted, if the person to whom the license has been issued shall have been convicted of the violation of any law or ordinance relative to such licenses. It shall be his duty to prevent any persons carrying on any business, object or calling for which a license or license tax is required, without having a license or license receipt for that purpose; and he shall report to the court hearing municipal ordinance violations of such city all violations of law and ordinances relating to licenses and license taxes. No commissions or fees shall be paid or allowed said license collector, or any state or city officer for the collection of any licenses or license tax to which sections 82.310 to 82.410 apply.

**84.040. Police commissioners—qualifications—term of office—oath (St. Louis).**—The said commissioners shall be citizens of the state of Missouri, and shall have been residents of the cities for a period of four years next preceding their appointment; they shall, except as specified in section 84.080, hold their offices for four years, and until their respective successors shall have been appointed and qualified, and receive each a salary of one thousand dollars per annum, payable monthly; before entering upon the duties of their said offices, the said commissioners and the said mayor shall take and subscribe before a circuit or associate circuit judge of the circuit court of judicial circuit in which said cities shall be located, or the clerk thereof, the oath or affirmation prescribed by the Constitution of the state of Missouri, and shall also take and subscribe before the same judge or clerk the further oath or affidavit that in any

and every appointment or removal to be made by them to or from the police force created and to be organized by them under sections 84.010 to 84.340, they will in no case and under no pretext appoint or remove any policeman or officer of police, or other person under them, on account of the political opinions of such police officer or other person, or for any other cause or reason than the fitness or unfitness of such a person, in the best judgment of such commissioners, for the place for which he shall be appointed, or from the place from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of the said circuit court.

**84.050. Board of police, treasurer—appointment—tenure—bond (St. Louis).**

—One of their number shall, from time to time, be appointed by the said commissioners treasurer of said board of police; and his appointment, when made, shall be certified to by the clerk of the circuit court of the judicial circuit in which said cities shall be located, under the seal of said court. Said treasurer shall hold his office for such time as may be designated by the commissioners, who may remove him at pleasure. Before he enters upon the duties of his office as treasurer, he shall give bond to the state of Missouri, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hands as such treasurer. The bond of the treasurer shall be approved by a circuit judge of the judicial circuit in which said cities shall be located and shall be delivered to and safely kept by the treasurer of said cities.

**84.090. Board of police—duties, powers (St. Louis).**—The duties of the boards of police hereby created shall be as follows: They shall, at all times of the day and night, within the boundaries of said cities, as well on water as on land,

- (1) Preserve the public peace, prevent crime and arrest offenders;
- (2) Protect the rights of persons and property;
- (3) Guard the public health;
- (4) Preserve order at every public election, and at all public meetings and places, and on all public occasions;
- (5) Prevent and remove nuisances on all streets, highways, waters and other places;
- (6) Provide a proper police force at every fire for the protection of firemen and property;
- (7) Protect emigrants and travelers at steamboat landings and railway stations;
- (8) See that all laws relating to elections and to the observance of Sunday, and regulating pawnbrokers, gamblers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, and the public health are enforced;
- (9) They shall also enforce all laws and all ordinances passed or which may hereafter be passed by the common council or municipal assembly of said cities, not inconsistent with the provisions of sections 84.010 to 84.340, or any other law of the state, which may be properly enforceable by a police force;
- (10) In case they shall have any reason to believe that any person within said cities intends to commit any breaches of the peace, or violation of the law or order beyond the city limits, any person charged with the commission of crime in said cities and against whom criminal process shall have issued, may be arrested upon the same in any part of this state by the police force created or authorized by sections 84.010 to 84.340; provided, however, that before the

person so arrested shall be removed from the county in which such arrest is made he shall be taken before some judge, to whom the papers authorizing such arrest shall be submitted; and the person so arrested shall not be removed from said county, but shall forthwith be discharged, unless such judge shall endorse and approve said papers;

(11) The said police commissioners, or either of them, shall have the power to administer oaths or affirmations in the premises, to any person appearing or called before them;

(12) They shall also have the power to summon and compel the attendance of witnesses before them, whenever it may be necessary for the more effectual discharge of their duties.

**84.230. Arrests—procedure (St. Louis).—**The commissioners of police shall cause all persons arrested by the police to be brought before some proper judge within said cities, to be dealt with according to law. Proper police officers in charge of police station houses may, if the offense charged against any person is a bailable one, at the request of such person, take from him a recognizance in such sum as may seem to be sufficient and proper with sufficient sureties for his appearance at the proper time before some judge, but no attorney at law, police officer, and no official or employee holding office under the municipality of the said cities, or the state of Missouri, and no clerk in the employ of such officer, officials or employees shall be accepted as surety upon such bond or bonds; the proper officers in charge of said station houses may administer oaths to parties qualifying as such surety or sureties; and may refuse to receive as such surety or sureties any and all parties with unsavory reputations or who, as professional bondsmen, tend to defeat the ends of justice, and no one shall be accepted as bondsman who shall have standing against him an unsatisfied judgment rendered on a forfeited bond; such proper police officers in charge of police stations may, prior to the appearance of any person arrested before some proper judge, refuse to admit to the presence of arrested persons confined in stations, all persons who have the reputation of being what is known as grafters or shysters, or those attorneys who are guilty of the practice of soliciting business.

**84.380. Board of police, treasurer—appointment—tenure—bond (Kansas City).—**One of their number shall, from time to time, be appointed by said commissioners treasurer of said board of police; and his appointment, when made, shall be certified to by the clerk of the circuit court of the county in which said cities shall be located, under the seal of said court. Said treasurer shall hold his office for such time as may be designated by the commissioners, who may remove him at pleasure. Before he enters upon the duties of his office as treasurer, he shall give bond to the state of Missouri, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hands as such treasurer. The bond of the treasurer shall be approved by a circuit judge of the circuit court of the county in which said cities shall be located, and shall be delivered to and safely kept by the treasurer of said cities.

**84.640. Police force—power to make arrests (Kansas City).—**The members of the police force of any such city are hereby empowered to make arrests for the violation of any ordinance of such city for the protection, regulation and orderly government of parks, public grounds and other public property owned

by any such city and situated outside of the limits thereof, and persons so arrested for the violation of any such ordinance may be brought within the city limits and tried before any court having jurisdiction of cases arising out of the ordinances of such city.

**84.650. Arrests—procedure (Kansas City).**—The commissioners of police shall cause all persons arrested by the police to be brought before some judge within said cities, to be dealt with according to law. Proper police officers in charge of police station houses may, if the offense charged against any person is a bailable one, at the request of such person, take from him a recognizance in such sum as may seem to be sufficient and proper with sufficient sureties for his appearance at the proper time before some judge; but no attorney at law, police officer, constable or his deputy, and no official employee holding office under the municipality of the said cities, or the state of Missouri, and no clerk in the employ of such officer, officials or employees shall be accepted as surety upon such bond or bonds; the proper officers in charge of said station houses may administer oaths to parties qualifying as such surety or sureties; and may refuse to receive as such surety or sureties any and all parties with unsavory reputations or who, as professional bondsmen, tend to defeat the ends of justice, and no one shall be accepted as bondsman who shall have standing against him an unsatisfied judgment rendered on a forfeited bond.

**84.710. Police force—officers of state—powers to arrest (Kansas City).**—  
1. The members of the police force appointed in pursuance hereof are hereby declared to be officers of the state of Missouri and of the city for which such commissioners are appointed.

2. They shall have power within the city or on public property of the city beyond the corporate limits thereof to arrest, on view, any person they see violating or whom they have reason to suspect of having violated any law of the state or ordinance of the city. They shall have power to arrest and hold, without warrant, for a period of time not exceeding twenty-four hours, persons found within the city or on public property of the city beyond the corporate limits thereof charged with having committed felonies in other states, and who are reported to be fugitives from justice. They shall also have the power to stop any person abroad whenever there is reasonable ground to suspect that he is committing, has committed or is about to commit a crime and demand of him his name, address, business abroad and whither he is going. When stopping or detaining a suspect, they may search him for a dangerous weapon whenever they have reasonable ground to believe they are in danger from the possession of such dangerous weapon by the suspect. No unreasonable force shall be used in detaining or arresting any person, but such force as may be necessary may be used when there is no other apparent means of making an arrest or preventing an escape and only after the peace officer has made every reasonable effort to advise the person that he is the peace officer engaged in making arrest.

3. Any person who has been arrested without a warrant may be released, without being taken before a judge, by the officer in charge of the police station whenever the officer is satisfied that there is no ground for making complaint against him, or when the person was arrested for a misdemeanor and will sign a satisfactory agreement to appear in court at the time designated.

**85.030. Police commissioners—oath (first class cities).**—Before entering on the duties of his office, each commissioner shall take and subscribe before a circuit judge of the circuit court of the county in which any such city may be



the oath or affirmation prescribed by the Constitution of the state of Missouri. They shall each also take and subscribe before the same judge the further oath or affirmation that in any and every appointment or removal to be by them made to or from the police force created, and to be organized by them, as provided in sections 85.010 to 85.290, they will in no case, and under no pretext, appoint or remove any policeman or officer of police, or other person under them, for or on account of the political opinions of such policeman, officer or other person, or for any other cause or reason than the fitness or unfitness of such person, in the best judgment of the commissioners, for the place to which he shall be appointed, or from which he shall be removed. The said oaths or affirmation shall be recorded and preserved among the records of said circuit court.

**85.040. Board of police, treasurer—appointment—tenure—compensation—bond—quorum (first class cities).—**One of their own number shall be appointed from time to time by said commissioners, treasurer of said board of police, and his appointment, when made, shall be certified to the clerk of the circuit court of such county, under the seal of said board. Said treasurer shall hold his office for such term as may be designated by the commissioners, who may remove him at pleasure, and he shall be entitled to two hundred and fifty dollars additional compensation per annum for acting in that capacity. Before he enters on the duties of his office as treasurer, he shall give bond to the state of Missouri, with one or more sureties, in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment, pursuant to the order and direction of said board, of all moneys that may come to his hands as treasurer. The bond of the treasurer shall be approved by a circuit judge of the circuit court of such county, and shall be delivered to and safely kept by the comptroller of such city. A majority of the board of police shall constitute a quorum for the transaction of business.

**85.060. Board of police—duties and powers (first class cities).—1.** The duties of the board of police hereby created shall be as follows: They shall at all times of the day and night, within the boundaries of any city of the first class, as well on water as on land,

- (1) Preserve the public peace;
- (2) Prevent crime and arrest offenders;
- (3) Protect the rights of person or property and guard the public health;
- (4) Preserve order at every public election and at all the public meetings and places, and on all public occasions;
- (5) Prevent and remove nuisances on all streets, alleys, highways, waters and other places;
- (6) Provide a proper police force at every fire for the protection of firemen and property;
- (7) Protect immigrants and travelers at steamboat landings and railway stations;
- (8) See that all laws relating to elections and to observance of Sunday, and relating to pawnbrokers, intemperance, lotteries and lottery policies, vagrants, disorderly persons, are enforced; and
- (9) Suppress gambling and bawdy-houses, and every other manner and kind of disorder and offense against law and the public health.

2. They shall also enforce all laws and ordinances passed, or which may hereafter be passed, by the common council of such city, not inconsistent with the provisions of sections 85.010 to 85.290 or any other law of the state which may be properly enforceable by a police force.

3. In case they shall have reason to believe that any person within said city intends to commit any breach of the peace or violation of law or order beyond the city limits, or any person charged with the commission of crime in such city, and against whom criminal process shall have been issued, such person may be arrested upon the same in any part of this state by the police force created or authorized herein; provided, however, that before the person so arrested shall be removed from the county in which said arrest is made, he shall be taken before some circuit judge of the circuit or associate circuit judge of that county, to whom the papers authorizing such arrest shall be submitted; and the person so arrested shall not be removed from said county, but shall forthwith be discharged, unless such judge shall approve and indorse said papers.

4. The said police commissioners, or either of them, shall have power to administer oaths or affirmations on the premises to any person appearing or called before them.

5. They shall also have the power to summon and compel the attendance of witnesses before them whenever it may be necessary for the more effectual discharge of their duties.

**85.170. Offenders to appear before proper judge (first class cities).—**The commissioners of police shall cause all persons arrested by the police for a violation of any city ordinance to be brought before the proper judge.

**85.230. Police force—powers to arrest (first class cities).—**The mayor, councilmen, chief of police and all police officers shall be conservators of the peace, and all officers of the city created conservators of the peace under sections 85.010 to 85.290, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or laws of the state, commit for examination, and, if necessary, detain such person overnight, or on the Sabbath, in the city prison, or any other safe place, or until they can be brought before the proper judge, and shall have an exercise such other powers as conservators of the peace as the common council may prescribe.

**85.561. Police officers, conservators of peace—supervision—powers and duties (third class cities).—**1. In all third class cities the members of the police department shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the city.

2. The chief of police shall, in the discharge of his duties, be subject to the orders of the mayor only; the deputy chief of police and all other members of the police department shall be subject to the orders of their superiors in the police department and the mayor only.

3. Every member of the police department shall have power at all times to make or order an arrest with proper process for any offense against the laws of the city, and to keep the offender in the city prison or other proper place to prevent his escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his appearance for trial, and shall also have power to make arrests without process in all cases in which any offense against the laws of the city shall be committed in his presence. Every

member of the police department is also empowered to serve and execute all warrants, subpoenas, writs or other process issued by the judge hearing and determining municipal ordinance violation cases of the city at any place within the limits of the county or counties within which the city is located.

4. It shall be the duty of the chief of police or in his absence the deputy chief of police to collect all fines assessed for violations of municipal ordinances if not otherwise collected and pay the same into the city treasury.

**88.080. Street grading—assessment of damages, procedure.—1.** In all cases where the proper authorities in any city in this state have graded or regraded, or may hereafter grade or change the grade or lines of any street or alley, or in any way alter or enlarge the same, or construct any public improvements, thereby causing damage to private property for public use, within the meaning of section 26 of article I of the state constitution, without the consent of the owner of such property, or in case they fail to agree with the owner thereof for the proper compensation for the damages so done, or likely to be done or sustained by reason thereof, or if by reason of the legal incapacity of such owner, no such compensation can be agreed upon, the circuit court having jurisdiction over the territory embraced in such city on application by petition, either by the city authorities or the owner of the property for which damage is claimed, or any one on behalf of either, shall appoint three disinterested free holders of such city, who shall meet upon the premises at a time by them to be appointed, of which they shall give personal notice to the owners, or their agents, of the land affected, if they can be found, as well as five days' notice by advertisement in the newspaper doing the city printing; and the said commissioners, having first been duly sworn to perform their duties justly and impartially, and a true report to make, shall view the said street or alley or improvement and premises affected by the change or enlargement or construction thereof, having due regard to and making just allowances for the advantages which have resulted or which may seem likely to result to the owner or owners of property for which damages may be allowed or claimed, and after such comparison shall estimate and determine whether any, and if any, how much damages such property may have sustained, or seems likely to sustain by reason thereof, and make report of the same, and if no exceptions be filed within ten days thereafter, or in the event exceptions are filed and overruled, the court shall confirm the report and enter judgment thereon with costs, from which judgment either or any party shall be entitled to an appeal or writ of error, as in other cases.

2. If the proceedings seek to affect the lands of persons under guardianship, the guardians must be made parties; if the lands of married women, their husbands must be made parties; if the possessor of lands to be affected has an estate less than a fee, the person having the next vested estate in remainder or reversion must, if known, be made a party. It shall not be necessary to make any person parties in respect to their ownership unless they are in actual possession of the premises to be affected, or have a title to the premises appearing of record.

3. The petition shall set forth the general nature of the work or improvement causing damage to private property for public use as aforesaid, together with all the facts necessary to give the court jurisdiction in the premises, the names of the owners of the several lots or parcels of land to be affected thereby, if known, or if unknown, a correct description of the parcels whose owners are unknown. The petition may be presented to the circuit court.

4. Upon filing the petition a summons shall be issued, giving the defendants at least ten days' notice of the time when said petition will be heard,

which summons shall be served in the same manner as writs of summons are or may be by law required to be served. If the name or residence of the defendants, or any of them, be unknown, or if they, or any of them, do not reside within the state, notice of the time of hearing the petition, reciting the substance of the petition, and the day fixed for the hearing thereof, shall be given by publication for four weeks consecutively prior to the time of the hearing of the petition, in the papers doing the city printing, and the court on being satisfied that due notice of the pending of the petition has been given, shall make the above appointment of commissioners.

5. The city authorities shall, before the filing of such petition, define by ordinance the limits within which private property is deemed benefited by the said change, enlargement, grading, regarding or improvement aforesaid, and the owners of the private property within such limits shall be made parties defendants, as herein provided, and served with notice and process as above provided.

**91.730. Default—rights of bondholders—procedure of circuit court—receiver.**

—1. In the event that the municipality shall default in the payment of the principal or interest on any of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the municipality or the governing body or officers, agents or employees thereof shall fail or refuse to comply with the provisions of sections 91.620 to 91.770 or shall default in any agreement made with the holders of the bonds, any holders of bonds, or trustee therefor, shall have the right to apply in an appropriate judicial proceeding to the circuit court, or if the undertaking is situate in two or more different counties, then the circuit court of the county in which are situate more of the lands and other property of the municipality than in any other county, for the appointment of a receiver of the enterprise, whether or not all bonds have been declared due and payable and whether or not such holder, or trustee therefor, is seeking or has sought to enforce any other right, or exercise any remedy in connection with such bonds. Upon such application the circuit court may appoint, and if the application is made by the holders of twenty-five per cent in principal amount of such bonds then outstanding, or any trustee for holders of such bonds in such principal amount, shall appoint a receiver of the enterprise.

2. The receiver so appointed shall forthwith, directly or by his agents and attorneys, enter into and upon and take possession of the enterprise and each and every part thereof and may exclude the municipality, its governing body, officers, agents, and employees and all persons claiming under them wholly therefrom and shall have, hold, use, operate, manage, and control the same and each and every part thereof, and, in the name of the municipality or otherwise, as the receiver may deem best, and shall exercise all the rights and powers of the municipality with respect to the enterprise as the municipality itself might do. Such receiver shall maintain, restore, insure and keep insured, the enterprise, and from time to time shall make all such necessary or proper repairs as to such receive may seem expedient and shall establish, levy, maintain and collect such fees, tolls, rentals, and other charges in connection with the enterprise as such receiver may deem necessary or proper and reasonable, and shall collect and receive all revenues and shall deposit the same in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

3. Whenever all that is due upon the bonds, and interest thereon, and upon any other notes, bonds or other obligations, and interest thereon, having a charge, lien, or encumbrance on the revenues of the enterprise and under any of the

terms of any covenants or agreements with bondholders shall have been paid or deposited as provided therein, and all defaults shall have been cured and made good, the court may in its discretion, and after such notice and hearing as it deems reasonable and proper, direct the receiver to surrender possession of the enterprise to the municipality, the same right of the holders of the bonds to secure the appointment of a receiver to exist upon any subsequent default as herein provided.

4. Such receiver shall in the performance of the powers herein conferred upon him, act under the direction and supervision of the court making such appointment and shall at all times be subject to the orders and decrees of such court and may be removed thereby. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth herein.

**98.330. Attorney, duties of (third class cities).**—It shall be the duty of the city attorney to prosecute and defend all actions originating or pending in any court in this state to which the city is a party, or in which the interests of the city are involved, and shall, generally, perform all legal services required in behalf of the city. In any complaint made alleging a violation of a municipal ordinance, the city attorney may, if in his judgment the interest of the city demands it, require the complainant, or party at whose instance the complaint is made, to give security for costs, to be approved by the judge hearing the cause, before proceeding further with such cause.

**98.340. Attorneys employed, when, how (third class cities).**—In any suit or action at law or in equity brought by or against the city except in prosecutions for violations of municipal ordinances, the city council may, by resolution, employ an attorney or attorneys, and pay him or them a reasonable fee therefor; provided, that any city may, by ordinance, provide for the office of city counselor and his duties and compensation. Such city counselor, when so provided for, shall represent the city in all other cases in all courts of record in this state; shall draft all ordinances and contracts and all legal forms of every kind, and give legal advice to the council and other officers of the city, and perform such other duties as shall be prescribed by ordinance or shall be ordered by the council or the mayor. In any city where there is a city counselor, the duties of the city attorney shall be such as may be prescribed by ordinance.

**104.340. Credit for prior service, what included.**—1. Any member of the system, on the first day of the first month following the effective date of sections 104.310 to 104.550, shall be given credit for prior service with the state. All such service must be established to the satisfaction of the board.

2. Any member, on the first day of the first month following the effective date of sections 104.310 to 104.550, shall be entitled to creditable prior service within the meaning of sections 104.310 to 104.550 for all active military service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard and members of the United States Public Health Service when in the active military service, or any women's auxiliary thereof in time of active armed warfare, if such member was a state employee immediately prior to his entry into the armed services and became an employee of the state within ninety days after termination of such service under honorable conditions or release to inactive status in a reserve component of the armed forces. This includes (1) members of the reserve component of the armed forces (National Guard of the

United States, United States Army Reserve, Air National Guard of the United States, United States Air Force Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard), (2) reserve components existing prior and subsequent to the date of sections 104.310 to 104.550 and (3) the Reserve of United States Public Health Service, while in the active military service of the United States.

3. Any member, on the first day of the first month following the effective date of sections 104.310 to 104.550, who was rendering service in the Missouri state employment service, now a section of the Missouri division of employment security, at the time said Missouri state employment service was loaned by the state to the federal government, January 1, 1942, for the duration of the emergency period of World War II, which service was returned to the state by the federal government effective November 16, 1946, or who became an employee of the Missouri state employment service during the period of federal control, shall be entitled to prior service credit for the period stated for any service rendered under the jurisdiction of the United States employment service of the federal government.

4. Any member, on the first day of the first month following the effective date of sections 104.310 to 104.550, who was employed at the St. Louis Sanitarium, now known as the St. Louis State Hospital, at the time said St. Louis Sanitarium was transferred to the state of Missouri by the City of St. Louis, July 19, 1948, shall be entitled to prior service credit for service rendered at said hospital while under the jurisdiction of the City of St. Louis.

5. Any member, on the first day of the first month following the effective date of sections 104.310 to 104.550, who was employed at the St. Louis Training School, now known as the St. Louis State Training School, at the time the St. Louis Training School was transferred to the state of Missouri by the City of St. Louis, July 19, 1948, shall be entitled to prior service credit for service rendered at the training school while under the jurisdiction of the city of St. Louis.

6. Any person who became a member by virtue of the state assumption of control and operation of Malcolm Bliss Mental Health Center shall be entitled to prior service credit for service rendered at the hospital while under the jurisdiction of the City of St. Louis if he pays into the fund, within ninety days after August 13, 1972, an amount equal to any contributions paid into the St. Louis City employees retirement system by virtue of his service rendered at the hospital which he received or could receive from the city as a refund as well as the contribution made by the City of St. Louis.

7. Any person who is a circuit clerk on June 30, 1980, or a deputy circuit clerk or division clerk on June 30, 1981, and who by virtue of becoming a state employee on the next day, respectively, becomes a member shall be entitled to prior service credit for service rendered as a circuit clerk, deputy circuit clerk, division clerk or the clerk, deputy or assistant clerk of one of the courts (other than a municipal court) whose jurisdiction is transferred to the circuit court on January 2, 1979, if:

(1) The person was on the day immediately before becoming a member of the Missouri state employees' retirement system a member of the St. Louis City employees retirement system, a member of the Missouri local government employees' retirement system under the provisions of sections 70.600 to 70.760, or of a county retirement system established prior to October 13, 1967, or authorized by section 70.615;

(2) The person makes application to the board for such prior service credit

within 90 days after becoming a member of the Missouri state employees' retirement system and established such service to the satisfaction of the board; and

(3) The person pays into the fund within 180 days after becoming a member of the Missouri state employees' retirement system an amount equal to any contributions paid in to any such city, local employees or county retirement system by him or in his behalf by virtue of service rendered in such capacities which he received or could receive from such system as a refund upon withdrawal from such city, local or county retirement system."

**105.020. Governor to commission certain officers.**—The attorney general, prosecuting attorneys, and the circuit attorney for the City of St. Louis shall be commissioned by the governor, and shall hold their offices until their successors are elected, commissioned and qualified.

**106.170. Impeachment trial proceedings.**—The members being sworn, the supreme court or the special commission, as the case may be, shall proceed to hear, try and determine such impeachment, and may adjourn the trial to any other time; and the court or commission shall determine all questions of law arising during the trial upon the admissibility of evidence, the competency of witnesses, or otherwise, and may punish any person for contempt committed toward it, or for obstructing the administration of justice on such trial, in as full a manner as any court of record could do for like contempt toward such court. Except as otherwise provided in sections 106.020 to 106.210, the rules of evidence and procedure applicable in civil actions before circuit judges in the circuit courts of this state shall be followed in all trials of impeachment whether before the supreme court or the special commission.

**109.040. Vacated office—seizure of records by warrant.**—If any person whose office has become vacated, or his executors or administrators, shall fail to deliver any record, book or paper to the person entitled to the same, the circuit judge, upon the affidavit of any credible person, setting forth the facts, may issue a warrant, directed to the sheriff, or coroner, commanding him to seize all the records, books and papers appertaining to such office, and deliver them to the proper officer named in such warrant.

**109.050. Authority of officer executing writ.**—The officer executing such warrant may break open any doors, trunk or places in which any records, books or papers named in such warrant may be, or in which he may suspect them to be; and may arrest any person who shall resist the execution of such warrant, and carry him before some judge, to be dealt with for obstructing the execution of process.

**109.070. Remedy of person aggrieved by issuance of such warrant.**—1. Any person aggrieved by any such warrant may apply to a circuit judge, who upon affidavit of the applicant that injustice has been done or is about to be done by such warrant, shall issue a citation to all persons interested, commanding them to appear before said judge at a place and time named in the citation, which shall be served by the sheriff or coroner.

2. The circuit judge may enforce obedience to such citation by attachment, and shall proceed in a summary manner and determine the matter according to right and justice and may issue a warrant for the restoration of any record, book or paper found to have been improperly seized.

**109.160. Statement and affidavit when record lost or destroyed.**—When any record of judgments or executions, or any allowances or orders of any probate

division of the circuit court or county court, or any inventory, sale bill or appraisal or other document or paper filed or being in any court of record shall have been mutilated, lost or destroyed, stolen or carried away, any person interested in any such record or paper, or his or her agent or attorney may make out a statement in writing, verified by affidavit, setting out as near as may be the full contents of said lost, mutilated or destroyed record or paper, and file the same in the clerk's office wherein said lost, mutilated or destroyed records belonged.

**109.170. Clerk to issue summons—proceedings.**—When any such statement shall be filed in the clerk's office, as provided in section 109.160, it shall be the duty of the said clerk, if a judgment of execution is intended to be supplied, to issue a summons as in ordinary suits, which summons shall be served in like manner and in the same time as in ordinary suits at law, and upon the return of such summons, duly served, the defendant or defendants may file his or their answer as in ordinary cases at law; and when judgment shall be rendered for the plaintiff or plaintiffs, said judgment, when entered of record, shall specify that the same is rendered upon a former judgment, and when such former judgment was rendered; and said judgment shall take its lien from the rendition of such former judgment. If said statement is intended to reinstate any inventory, sale bill or order of any county court or probate division of the circuit court, then no summons shall issue, but the party seeking to establish the same shall cause a notice, setting forth the substance of said paper or order sought to be reinstated, to be served upon the administrator or executor of the estate affected by said order or paper, and also cause a copy of said notice to be set up at the court house door, for at least four weeks before the day at which said order or paper is sought to be reinstated.

**115.353. Declarations of candidacy, where filed.**—All declarations of candidacy shall be filed as follows:

(1) for presidential elector, United States senator, representative in congress, statewide office, circuit judge not subject to the provisions of Article V, Section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for purpose of election procedures shall include associate circuit judges not subject to the provisions of Article V, Section 25, of the Missouri Constitution in the office of the county election authority.

**115.365. Nominating committee designated as to certain offices.**—1. The nominating committee authorized to select a candidate for nomination or election to office under the provisions of section 115.363 shall be one of the following:

(1) To select a candidate for county office, the nominating committee shall be the county committee of the party;

(2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;

(3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;

(4) To select a candidate for circuit court judge not subject to the provisions of Article V, Section 25 of the state constitution, the nominating committee shall be the judicial district committee of the party;

(5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;

(6) To select a candidate for statewide office, the nominating committee shall be the state committee of the party.



2. The chairman of each nominating committee shall be the committee chairman of the county in the area to be represented by the candidate which polled the highest number of votes for the party candidate for governor in the last gubernatorial election, but the chairman shall have no vote unless he is a member of the nominating committee.

**115.511. Board of State Canvassers to convene, when—**Secretary of State to announce results, when.—1. The secretary of state shall convene the board of state canvassers to total the abstracts of each primary election and the board shall, not later than two weeks after receiving all required abstracts from the primary election, issue a statement announcing the results of the primary election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, secretary of state, attorney general, state treasurer and state auditor.

2. The secretary of state shall convene the board of state canvassers to total the abstracts of each general election and the board shall, not later than the fourth Tuesday in December following the general election, issue a statement announcing the results of the general election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, appellate and circuit judges subject to the provisions of Article V, Section 25 of the state constitution, secretary of state, attorney general, state treasurer and state auditor.

3. The secretary of state shall convene the board of state canvassers to total the abstracts of each special election at which the name of a candidate for nomination or election to the office of United States senator, representative in congress, governor, lieutenant governor, state senator, state representative, circuit judge not subject to the provisions of Article V, Section 25 of the state constitution, secretary of state, attorney general, state treasurer or state auditor, or at which an initiative, referendum or constitutional amendment appears on the ballot, and the board shall, not later than two weeks after receiving all required abstracts from the election, issue a statement announcing the results of the election for such office or on such question.

**115.517. Tie vote in general election, procedure to be followed.—**1. If two or more persons receive an equal number of votes for election to the office of governor, lieutenant governor, secretary of state, state auditor, state treasurer or attorney general, and a higher number of votes than any other candidate for the same office, the secretary of state shall, immediately after the results of the election have been announced, issue a proclamation stating the fact, and the general assembly shall, by joint vote and without delay at its next regular session, choose one of such persons for the office. The speaker of the house shall file a certificate declaring which person has been elected to the office with the secretary of state.

2. If two or more persons receive an equal number of votes for election to federal office, state senator, state representative or circuit judge not subject to the provisions of Article V, Section 25 of the state constitution, and a higher number of votes than any other candidate for the same office, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the governor to each election authority responsible for conducting the special election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

3. If two or more persons receive an equal number of votes for nomination

or election to any office not otherwise provided for in section 115.515 or 115.517, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

**115.555. Contest of state office election to be heard by Supreme Court.**—All contested elections for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer and state auditor shall be heard and determined by the supreme court. Likewise, all contests to the results of elections on constitutional amendments, on state statutes submitted or referred to the voters, and on questions relating to the retention of appellate and circuit judges subject to Article V, Section 25 of the state constitution shall be heard and determined by the supreme court.

**115.575. Contests for office of circuit judge, where heard—other contests, where heard.**—1. All contested elections for the office of circuit or associate circuit judge not subject to the provisions of Article V, Section 25 of the state constitution shall be heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred.

**115.603. Committees each established party shall maintain.**—Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of Article V, Section 25 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state.

**125.110. Names of committees to be filed with county clerk—settlement of controversies on committee membership.**—The names of the members of the campaign committee referred to in section 125.100 shall, at least thirty days before the date of any election mentioned in section 125.100, be filed with the county clerk of the county and in the City of St. Louis with the board of election commissioners, and if only one list of proponents or opponents of any amendment or statute be filed, then from and after thirty days before the election said list shall be recognized and accepted as correct, and in the event more than one list of names of proponents or opponents of any amendment or statute is filed and the controversy arises as to the persons entitled to be recognized as the campaign committee for any county or city, the persons upon either list claiming to constitute such committee may upon petition, after having given five days' notice to any member of the contesting committee, present all matters in controversy to the circuit court of the district in which said controversy may arise, and such court shall summarily hear and determine the matters presented and shall, not later

than ten days before such election, adjudge and determine the correct list of names constituting such campaign committee, and the decision of such court thereon shall be final.

**137.040. Procedure for assessing, levying and collecting additional taxes—limitations—conditions.—1.** No other tax for any purpose shall be assessed, levied or collected, except under the following limitations and conditions, viz: The prosecuting attorney or county counselor of any county, upon the request of the county court of such county (which request shall be of record with the proceedings of said court, and such court being first satisfied that there exists a necessity for the assessment, levy and collection of other taxes than those enumerated and specified in section 137.035) shall present a petition to the circuit court of his county, setting forth the facts and specifying the reasons why such other tax or taxes should be assessed, levied and collected; and such circuit court, upon being satisfied of the necessity for such other tax or taxes, and that the assessment, levy and collection thereof will not be in conflict with the constitution and laws of this state, shall make an order directed to the county court of such county, commanding such court to have assessed, levied and collected such other tax or taxes, and shall enforce such order by mandamus or otherwise.

2. Such order, when so granted, shall be a continuous order, and shall authorize the annual assessment, levy and collection of such other tax or taxes for the purposes in the order mentioned and specified, and until such order be modified, set aside and annulled by the circuit court granting the same; provided, that no such order shall be modified, set aside or annulled, unless it shall appear to the satisfaction of such circuit court that the taxes so ordered to be assessed, levied and collected are not authorized by the constitution and laws of this state, or unless it shall appear to said circuit court that the necessity for such other tax or taxes, or any part thereof, no longer exists.

**137.090. Tangible personal property to be assessed in county of owner's residence—exceptions.—All** tangible personal property of whatever nature and character situate in a county other than the one in which the owner resides shall be assessed in the county where the owner resides, except that houseboats, cabin cruisers and automobile trailer houses used for lodging shall be assessed in the county where they are located and tangible personal property belonging to estates, which shall be assessed in the county in which the probate division of the circuit court has jurisdiction; provided, that no tangible personal property shall be simultaneously assessed in more than one county.

**137.155. Form of oath—refusal to make oath—penalty.—1.** The oath to be signed and affirmed or sworn to by each person making a list of property required by this chapter is as follows:

I, ....., do solemnly swear, or affirm, that the foregoing list contains a true and correct statement of all the real property and tangible personal property, made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 19.... I further solemnly swear, or affirm, that I have not sent or taken, or caused to be sent or taken, any property out of this state to avoid taxation. So help me God.

2. Any person who refuses to make oath or affirmation to his list, then required so to do by the assessor or his deputy, shall, upon conviction, be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions under this section.

3. The list and oath shall be filed by the assessor, after he has completed his

assessor's books, in the office of the county clerk, who, after entering the filing thereon, shall preserve and safely keep them.

4. The circuit judge exercising criminal jurisdiction shall give this section in charge of the grand jury, who shall have the authority to examine the lists, with a view of inquiring into the correctness of the lists. No list shall be altered, changed or amended after it is filed with the county clerk, except by order of the county court; and any person who alters, changes, or amends any list without the order shall, upon conviction, be deemed guilty of a misdemeanor. Every county clerk or deputy county clerk who knowingly permits any list to be altered, changed or amended without the order shall forfeit one hundred dollars to be recovered by suit upon his official bond.

**137.365. Authority of grand jury—list not to be changed—penalty.**—The circuit judge exercising criminal jurisdiction shall give section 137.360 in charge of the grand jury, who shall have the authority to examine such list with a view of inquiring into the correctness of such list; and no such list shall be altered, changed or amended after it is filed with the county clerk, except by order of the county court; and any person who shall alter, change or amend any such list without such order shall upon conviction be deemed guilty of a misdemeanor; and every county clerk or deputy county clerk who shall knowingly permit any such list to be altered, changed or amended without such order shall forfeit one hundred dollars, to be recovered by suit upon his official bond.

**139.250. Failure to make payment—forfeiture—proceedings against defaulting collector.**—1. If any collector or ex officio collector fails to make payment of the amount due from him on settlement, or in the time and manner prescribed by law, he and his sureties shall be liable to pay, as a penalty, ten per cent a month on the amount wrongfully withheld, to be computed from the time the amount ought to have been paid until actual payment. This section shall apply to all revenue collections made by him whether for state, county, city, town, district or school taxes, general or special.

2. In case of refusal, notice may be served upon the collector or ex officio collector in default and his sureties, informing them that a motion will be made to the circuit court of the county for a judgment against the collector and his sureties, for all sums of money due from him to the state or county, as the case may be, at time of making the motion, together with the penalty aforesaid.

3. The circuit courts of this state may hear and determine all such motions and proceedings.

4. The judgments rendered by the court under the provisions of this section shall have the same force and effect and be enforced in the same manner that other judgments in the circuit courts of this state are enforced.

5. Proceedings under this section shall be in the state or county, as the case may be. The notice may be served by any sheriff, coroner, or other person who would be a competent witness, and shall be served at least five days before the motion is made. The court may compel the production of all books, papers, records and other documents in the possession of the collector or others, to be used as evidence in the cause.

**144.010. Definitions.**—1. The following words, terms, and phrases when used in sections 144.010 to 144.510 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) For the purposes of sections 144.010 to 144.510 the term "admission" includes seats and tables, reserved or otherwise, and other similar accommodations

and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.510.

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.510. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business does not constitute engaging in business, within the meaning of sections 144.010 to 144.510 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or non-business enterprise, exceeds three thousand dollars in any calendar year. The provisions of this paragraph shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977 subject to that tax thereafter.

(3) "Gross receipts" means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; provided, however, that "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.510 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.510 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made; in such cases the same shall be taxable as if outright sale were made and considered as a sale of such article and the tax shall be computed and paid by the lessee upon the rentals paid.

(4) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. All persons renting or leasing trailers or motor vehicles do not need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided.

(5) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state highway department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

(6) The word "purchaser" whenever used in sections 144.010 to 144.510 means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.510.

(7) The term "sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a

valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.510.

(8) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; provided, however, that for the purposes of sections 144.010 to 144.510 and the tax imposed thereby, purchases of tangible personal property made by duly licensed physicians, dentists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale. Further provided, the selling of computer printouts, computer output or microfilm or microfiche and computer assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.510 and the tax imposed thereby, it shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local or long distance, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the public service commission of Missouri, engaged in the transportation of persons for hire.

(9) The word "seller" when used in sections 144.010 to 144.510 means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020.

(10) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require.

(11) Any rule promulgated pursuant to this chapter shall expire two years after such promulgation thereof, unless, prior to such date, both houses of the General Assembly, by concurrent resolution approved by the Governor, shall approve such rule. Rules and the authority to promulgate rules pursuant to this act shall expire on November 30, 1981.

2. Sections 144.010 to 144.510 may be known and quoted as the "Sales Tax Law."

**144.400. Suit for taxes filed, where—jurisdiction.**—Except as in sections 144.010 to 144.510 otherwise provided, all suits for taxes herein required to be filed shall be filed in the county wherein the person resides or has a place of business or agent for the transaction of business in this state or where he or it may be found.

If such suit be by attachment it shall be brought in the county wherein the property attached is located. Such suits may be heard by circuit or associate circuit judges in the same manner as other civil cases, with the amount of the tax being the amount demanded for purposes of determining whether the case may be heard and determined by an associate circuit judge without special assignment.

**145.110. Taxes, when due—interest.**—All taxes imposed by this chapter, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and interest at the rate of six percent per annum shall be charged and collected thereon for such time as said taxes are not paid, unless the payment of interest is abated or time of payment extended by order of the probate division of the circuit court, because without negligence final assessment of tax cannot be made; provided, that if said taxes are paid within nine months from the accrual thereof, or within the period of said extension for the payment thereof interest shall not be charged or collected thereon, and in all cases where the executor, administrator, or trustee does not pay such tax within one year from the death of the decedent they shall be required to give bond in the form and to the effect prescribed in section 145.200 for the payment of said tax, together with interest at the rate of one percent per month, unless abated or extended as aforesaid.

**145.140. Money to be paid to director of revenue—receipt.**—1. Every sum of money retained by any executor, administrator, or trustee or paid into his hands for any taxes on any property or derived from any source whatever for the payment of any such taxes shall be paid by him within thirty days thereafter to the director of revenue except two and one-half percent of such tax which he shall pay to the probate division of the circuit court as fees, and which fees shall be deposited as provided by law.

2. Upon the payment to the director of revenue of any taxes due under this law, such director of revenue shall issue a receipt therefor in triplicate, one copy of which he shall deliver to the person paying said tax. Said director of revenue shall retain one of said receipts and the other he shall countersign and immediately transmit to the clerk of the court fixing such tax and no executor, administrator, or trustee shall be entitled to credit in his accounts or be discharged from liability from said tax, nor shall such estate be distributed or closed unless a receipt issued by the director of revenue shall have been filed with the court.

**145.150. Court to determine tax—procedure—appraisers—oath.**—1. The court which grants letters testamentary or of administration, either original or ancillary, on the estate of any decedent, has jurisdiction to determine the amount of the tax provided for in this chapter and the person, association, institution or corporation liable therefor, and to determine any question which may arise in connection therewith, and to do any act in relation thereto which is authorized by law to be done by such court in other matters or proceedings coming within its jurisdiction.

2. The court shall immediately upon the filing of the inventory and appraisal of the estate of a decedent, examine the same, and if it is apparent, in the opinion of the court, that the estate is not subject to the tax provided for in this law, its finding and opinion shall be entered of record in the court and thereupon the provisions of section 145.210 become inoperative as to the holders of funds or other property thereof, and there shall be no further proceedings relating to such tax, unless upon the application of interested parties the existence of other property or an erroneous appraisal is shown.

3. If it appears that the estate may be subject to such tax, the court shall set a day for the hearing and determining the amount of the tax and shall

cause notice thereof to be given in the same time and manner and to the same parties as is herein provided for appraisers, or the court, before determining such matters, may of its own motion, or on the application of any interested person, including the director of revenue, the prosecuting attorney or attorney general, appoint some qualified taxpaying citizen of the county, who is not executor, administrator or beneficially interested in the estate or the attorney for any of the parties, as appraiser to appraise and fix the clear market value of any property, estate or interest therein, or income therefrom which is subject to the payment of a tax under this chapter.

4. Every such appraiser shall make and subscribe, and file with the court appointing him, an oath that he will faithfully and impartially discharge his duties as appraiser and that he will appraise all the property, estate, interest therein or income therefrom involved in the proceeding in which he is appointed at its clear market value and shall forthwith fix a time and place for hearing the evidence and shall file notice thereof with the court appointing him not less than ten days prior to the date fixed and shall also give notice by mail to all interested persons whose address he may have, always including the director of revenue and the prosecuting attorney of the county.

5. When proceedings are instituted under sections 473.090, 473.093 and 473.097, RSMo, the court may proceed under subsection 3, or it may determine in a summary manner the amount of tax, if any, provided for in this chapter, and the parties liable therefor.

**145.200. Valuation of life estates—tax due when—election by beneficiary—bond.**—When any property, interest therein or income therefrom belonging to any estate in course of administration, shall pass or be limited for the life of another or for a term of years, or to terminate on expiration of a certain period, the value of property at the date of death so passing shall be determined by appraisal for the purpose of taxes under this chapter immediately after the death of the decedent and the value of said life estate, term of years or period of limitation, shall be valued according to mortality tables, using the interest rate or income rate of five percent, and the value of the remainder in said property so limited shall be ascertained by deducting the value of the life estate, term of years or period of limitation from the clear market value of the property so limited and the tax on the transfer of the separate estate or estates, remainder or remainders or interest shall be immediately due and payable, to the director of revenue together with interest thereon and said tax shall accrue as provided in section 145.110 and remain a lien upon the entire property until paid; provided, that the persons, institutions, association or corporation beneficially interested in property chargeable with said tax may elect not to pay the same until they shall come into actual possession or enjoyment of such property, then in that case said person, association or corporation shall give bond payable to the state of Missouri, in a penal sum three times the sum or amount of taxes due upon such transfer, with such sureties as the court having jurisdiction of the matter, may approve, conditioned for the payment of said tax and interest thereon from the date such tax is due at such time or period as they or their representatives may come into the actual possession or enjoyment of said property, which bond shall be executed in triplicate and one copy filed in the office of the judge of the probate division of the circuit court of the proper county, one with the department of revenue and the other with the secretary of state; provided further, that every person, institution, association or corporation shall make and file with the probate division of the circuit court of the county a full verified return of said property, or interest therein, within one year of the death of the decedent, with the bond and sureties as above pro-



vided; and provided further, said person, institution, association or corporation shall renew said bond every five years after the date of the death of decedent.

**145.300. Omissions, how collected.**—Whenever it shall appear to the prosecuting attorney, the judge of the probate division of the circuit court, the director of revenue, or attorney general that any part of any gift, legacy, inheritance, bequest, devise, appointment or succession liable to the tax herein provided was omitted in fixing the amount of the taxes in any proceeding and that the tax on the same has not been paid, suit may be instituted as herein provided for the recovery of such tax and the enforcement of the state's lien therefor.

**145.305. Time for filing action.**—No action in the name of the state shall be commenced under the provisions of this chapter, unless the action is filed in a court of competent jurisdiction within five years of the filing of a copy of the inheritance tax appraiser's report with the probate division of the circuit court having jurisdiction or within ten years of the death of the decedent out of which the claim arose, whichever shall first occur.

**145.310. No administration—tax, how fixed.**—If any tax shall be due under the provisions of this chapter and no administration has been had in this state on the estate of decedent and no proceedings are pending in this state in which the amount of said tax may be fixed or the lien therefor enforced, any person interested in the property or estate may file an affidavit with the probate division of the circuit court of the county wherein the property or estate, or the greater part thereof, is situated, setting forth a description thereof and the clear market value thereof and the names of the persons, associations or corporations liable for the tax thereon, and an appraiser shall be appointed and the tax fixed by said court as herein provided. However, the probate division of the circuit court of any county in which administration on any such estate should be granted may, on its own motion, appoint such an appraiser.

**146.070. Estates to pay tax—fiduciary to file return.**—No estate, in which there is intangible personal property subject to tax under this chapter, shall be closed without the payment of the tax levied under this chapter, both in respect to the liability of the estate and the decedent prior to his death. In all estates in which there is intangible personal property subject to tax under this chapter, a return shall be filed by the fiduciary with the director of revenue, within thirty days of filing of the final or annual settlement with the probate division of the circuit court.

**162.381. Qualifications of board members—oath—exemption from jury and election duty.**—1. The members of the board of education shall be elected from the city at large on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city, and shall have been residents and citizens for at least three years immediately preceding their election. They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If at any time after the election of any member of the board he becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he was elected.

2. Every member of the board before assuming the duties of his office, shall

take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he possesses all the qualifications required by this section, and that he will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he will not be influenced, during his term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from jury duty and from service as election officers during the term of office.

**168.071. Grounds for revocation of license—procedure—appeal.**—A certificate of license to teach may be revoked by the authority which issued the certificate upon satisfactory proof of incompetency, cruelty, immorality, drunkenness, neglect of duty, or the annulling of a written contract with the local board of education without the consent of the majority of the members of the board which is a party to the contract. All charges must be preferred in writing. They shall be signed by the chief administrative officer of the district or by the president of the board when so authorized by a majority of the board. The charges must be sworn to by the party or parties making the accusation, and filed with the respective certifying authority. The teacher must be given due notice of not less than ten days, and an opportunity to be heard, together with witnesses. The complaint must plainly and fully specify what incompetency, immorality, neglect of duty or other charges are made against the teacher, and if after a hearing the certificate is revoked, the teacher may appeal to the circuit court at any time within ten days thereafter by filing a petition for review of the judgment of the certifying authority. On appeal the judge shall, with or without a jury at the option either of the teacher or the person making the complaint, try the matter *de novo*, affirming or denying the action of the certifying authority, and shall tax the cost against the appellant if the judgment of the certifying authority is affirmed. If the court disaffirms the judgment, then it shall assess the costs of the whole proceedings against the district making the complaint.

**195.520. Release on request, when.**—1. A voluntary patient who requests his release or whose release is requested, in writing, by his legal guardian, parent, spouse, or adult next of kin shall be released forthwith except that:

(1) If the patient was admitted on his own application and the request for release is made by a person other than the patient, release may be conditioned upon the agreement of the patient thereto;

(2) If the patient, by reason of his age, was admitted on the application of another person, his release prior to becoming sixteen years of age may be conditioned upon the consent of his parent or guardian;

(3) If the head of the hospital, within forty-eight hours from the receipt of the request, files with the probate division of the circuit court of the county wherein the facility is located a certification that in his opinion the release of the patient would be unsafe for the patient or others, release may be postponed for as long as the court or the judge thereof determines to be necessary for the commencement of proceedings for judicial hospitalization, but in no event for more than ten days.

2. Notwithstanding any other provisions of this law, judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient unless the release of the patient has been requested by himself or the individual who applied for his admission.

**195.525. Petition for admission, contents, who may file.**—Except as otherwise provided in this law, whenever any spouse, related individual, informed person, or prosecuting attorney has reason to believe that any person is a narcotic addict or drug dependent person, such spouse, related individual, informed person, or prosecuting attorney may file a petition with the probate division of the circuit court of the county in which such addict or drug dependent person resides or is found requesting that such addict or person be admitted to a state hospital for treatment of his addiction or drug dependency. Any such petition filed by a spouse, related individual, informed person, or prosecuting attorney shall set forth the name and address of the alleged addict or drug dependent person and the facts on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict or drug dependent person. Any such application shall be accompanied by a statement of a physician stating he has examined the individual and is of the opinion that the individual is a narcotic addict or drug dependent person and should be hospitalized, or by a written statement by the applicant that the individual has refused to submit to examination by a licensed physician.

**195.530. Court to commit, when.**—After considering such petition, the court, if it determines that there is a reasonable cause to believe that the person named in such petition is a narcotic addict or drug dependent person, may commit such person to a facility for treatment under the procedures provided in section 202.807, RSMo.

**196.030. Agent of Division of Health shall tag, detain and embargo adulterated, tainted or misbranded articles.**—1. Whenever a duly authorized agent of the division of health finds or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of sections 196.010 to 196.120, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

2. When an article detained or embargoed under subsection 1 has been found by such agent to be adulterated, or misbranded, he shall petition any circuit or associate circuit judge, in whose jurisdiction the article is detained or embargoed for an order for condemnation of such article. When such agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking.

3. If the court finds that a detained or embargoed article is adulterated or misbranded within the meaning of sections 196.010 to 196.120, such article shall, after entry of the decree, be destroyed or sold under the supervision of such agent, as the court may direct, but no such article shall be sold contrary to any provisions of said sections, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the general fund of the state of Missouri; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the division of health.

The expense of such supervision shall be paid by the claimant. When the article is no longer in violation of sections 196.010 to 196.120, and the expenses of such supervision have been paid, the division of health shall present these facts to the court, and such bond shall be then returned to the claimant of the article.

4. Whenever the division of health or any of its authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, sea-food, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the division of health, or its authorized agent, shall forthwith condemn or destroy the same or in any other manner render the same unsalable as human food if the person found in possession of same or claiming possession or ownership of same shall agree to such action; provided that if any such person refuse to permit such action by the division of health or its agent, such agent may serve such person with a written notice directing him to hold or store any such articles for a period not longer than three days from the date of service of such notice. Such notice shall also prohibit any such person from selling or in any manner disposing of such articles of food during the prescribed period. The division of health or its agent after issuing any such notice shall immediately apply to the circuit court in whose jurisdiction such articles of food may be found or held for an order to condemn or destroy same. Upon the application for such order the court shall immediately hold a summary hearing and at the conclusion thereof shall either grant the order requested or shall order the articles of food in question released to the person claiming ownership or possession thereof. Upon the application for any such order, the court may make such orders for the custody, storage, or temporary preservation of any of such articles of food as may under the circumstances be deemed proper. After the hearing prescribed for herein, if the court find the complaint to be sustained, the court may direct the articles of food to be disposed of as provided for by subsection 3 of this section.

**196.346. "Stop-Sale" orders, effect--appeals.**—The director, or his authorized agents or representatives, are authorized and empowered to issue and enforce a written or printed "Stop-Sale" order to the owner or custodian of any eggs which are found to be in violation of any of the provisions of sections 196.311 to 196.361, or the rules or regulations adopted under the authority of sections 196.311 to 196.361, which order shall prohibit the further sale of such eggs until sections 196.311 to 196.361 have been complied with and the owner or custodian shall have the rights to take such steps as may be possible to bring the eggs into compliance, such as regarding or relabeling, and, provided that in respect to eggs that have been denied sale as provided in sections 196.311 to 196.361, the owner or custodian of such eggs shall have the right to appeal from such order to the circuit court of the county or city in which the eggs are located, praying for a judgment as to the justification of such order and for the discharge of such eggs from the order prohibiting the sale in accordance with the findings of the court.

**196.348. Court may order seizure of eggs, when—condemnation.**—Any eggs found in the possession of an owner or custodian and not in compliance with the provisions of sections 196.311 to 196.361, or the rules or regulations adopted hereunder, shall be subject to seizure upon complaint of the director to the circuit court of the county or city in which such eggs are located. Such seizure shall not be made until the owner or custodian of the eggs has been given forty-eight hours from the time of a "Stop-Sale" order to bring the eggs into compliance with sections 196.311 to 196.361, or the rules and regulations adopted hereunder. In the

event the court finds that the eggs do not comply with sections 196.311 to 196.361, or the rules and regulations adopted hereunder, it shall order the condemnation thereof, and the eggs shall be denatured, processed, destroyed, regraded, relabeled, or otherwise disposed of by the court.

**196.790. Penalties for violation.**—Every person, firm or corporation who shall violate any of the provisions of sections 196.755 to 196.765, 196.780 and 196.785, shall forfeit and pay to the state of Missouri, for the use of the school fund for every such violation, the sum of fifty dollars and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before an associate circuit judge, or circuit judge assigned to hear the cause, of the city or county where such violation occurs, subject to the right of an application for trial de novo or appeal, as the case may be, as in other civil cases; and it is further enacted that every person, firm or corporation who shall violate the provisions of sections 196.750 to 196.810, in addition to the civil liability to the state of Missouri herein provided, shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment not exceeding thirty days, and for each subsequent offense, by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

**196.891. Sale of adulterated or misbranded products prohibited—seizure authorized.**—Any ice cream, ice cream mix, sherberts, ices, or other products defined in sections 196.851 to 196.895 which does not conform with the definition, standard or requirements as set forth in sections 196.851 to 196.895, or if sold under another name, or if made to appear better than it is, or if misrepresented, shall be deemed adulterated and misbranded within the meaning of sections 196.851 to 196.895, and no person, firm, association or corporation shall manufacture for sale, keep for sale, sell, barter or deal in any ice cream, ice cream mix, sherberts, ices, or other products defined in sections 196.851 to 196.895, which is adulterated or misbranded. Any such adulterated or misbranded products shall be seized by the director of agriculture, or his agents, and disposed of in accordance with an appropriate order of the circuit court of the county or city in which such products are seized.

**196.893. "Stop-Sale" order issued when, effect—judicial review.**—In any case where a person operates a plant manufacturing or freezing ice cream, ice cream mix, ice milk, ices, or any other product defined in sections 196.851 to 196.895, located within this state or outside this state, and is making sales within the state without having first obtained a manufacturer's license as provided in section 196.866 or a broker's license as provided in section 196.868, or is selling, offering for sale or distributing ice cream or other frozen food products which do not meet the weight requirements provided in section 196.856, the director or his agents or representatives may issue and enforce a written or printed "Stop-sale" order to the owner or custodian of the products. The order shall prohibit the further sale of the products until the licensing and weight provisions have been complied with. The owner or custodian of the products may appeal from the order to the circuit court of the county or city in which the products are located, praying for a judgment as to the justification of the order and for the discharge of the order prohibiting the sale in accordance with the findings of the court.

**196.910. Adulteration and misbranding, what deemed—seizure.**—Any vegetable or animal fat frozen dessert product which does not conform to the defini-

tions, standards or requirements of sections 196.900 to 196.918, or which is labeled in violation of the provisions of sections 196.900 to 196.918, shall be deemed adulterated and misbranded. The director of agriculture or his agents shall seize all adulterated or misbranded products and dispose of them in accordance with an appropriate order of the circuit court of the city or county in which the products are seized.

**196.914. "Stop-Sale" orders, issued when—appeals.**—In any case where a person operates a plant manufacturing or freezing vegetable or animal fat frozen dessert products or mixes, located within this state or outside this state, and is making sales within this state without having first obtained a manufacturer's license or a broker's license as provided in sections 196.900 to 196.918, the director or his agents are authorized and empowered to issue and enforce a "Stop-sale" order to the owner or custodian of the products. The order shall prohibit the further sale of the products until the licensing provisions have been complied with. The owner or custodian shall have the right to appeal from the order to the circuit court of the city or county in which the products are located, praying for a judgment as to the justification of the order and for the discharge of the order prohibiting the sale in accordance with the findings of the court.

**202.070. Who may be admitted—how discharged.**—Persons afflicted with any form of mental illness or mental retardation may be admitted to an appropriate facility of the division for care and treatment. Any patient admitted may be discharged conditionally or unconditionally whenever in the judgment of the superintendent and his staff such discharge is proper. The decision of the superintendent and his staff on the matter is final and the respective counties of this state are prohibited from removing any indigent mentally ill or retarded patient unless the patient is discharged as herein provided; but any person found to be restored to his right mind under proceedings had in the probate division of the circuit court as provided for in section 475.360, RSMo, shall be forthwith discharged upon delivery to the superintendent of the facility a certified copy of the record in the restoration proceedings. In any restoration proceedings under section 475.360, RSMo, if it is found that the patient is not represented by an attorney, the court shall appoint an attorney to represent him, and if it is further found that the patient is unable to pay an attorney's fee for services rendered in the proceedings, the court may allow a reasonable attorney's fee for the services, and the fee shall be assessed as costs and paid by the county together with other costs in the proceedings.

**202.240. Estate of patient, probate division of circuit to notify facility head of—pay patient, how determined—failure to pay, may discharge.**—1. If any person be admitted to a facility of the department who has an estate or if while a patient of any such facility shall become possessed of an estate, such patient or his guardian shall pay for his support and expenses at the facility as determined by the application of the standard means test pursuant to the provisions of section 202.330 out of the patient's estate; and if such person shall at any time become indigent, he shall be supported and maintained at the facility by the funds appropriated to the department of mental health.

2. The probate division of the circuit court of any county having knowledge of the existence of an estate of a patient of a facility of the department of mental health shall promptly notify the superintendent or head of said facility of the nature and extent of said estate and the identity of the guardian and attorney of record. The superintendent or head of such facility shall then apply the

standard means test as provided under section 202.330 and shall determine whether the patient shall be a state or pay patient and shall notify the probate division of the circuit court and the county court or the appropriate administrative body of the county of residence of the patient of his findings. The patient shall be a pay patient as of the date of notification to that effect; and in such cases, charges shall be paid by the guardian of the estate; and upon a failure thereof, after reasonable delay, the superintendent may discharge such patient in a manner as provided by chapter 31, RSMo. Any disagreement concerning the sufficiency of the estate shall be resolved as provided in section 202.863.

**202.595. Admission of patients—procedures.**—The department of mental health, subject to the availability of suitable accommodations, shall receive for diagnosis, care, training, treatment, education and rehabilitation in a facility of the division any mentally retarded person whose admission is applied for under any of the following procedures:

- (1) On medical certification under section 202.601;
- (2) As a voluntary patient under section 202.783;
- (3) Under the emergency procedures of sections 202.800, 202.803, and 202.805;
- (4) By order of the court under section 202.807; or
- (5) On court order as provided in section 211.201, RSMo.

**202.790. Release of patient on application.**—1. A voluntary patient who requests his release or whose release is requested, in writing, by his legal guardian, parent, spouse, or adult next of kin shall be released forthwith except that:

(1) If the patient was admitted on his own application and the request for release is made by a person other than the patient, release may be conditioned upon the agreement of the patient thereto; and

(2) If the patient, by reason of his age, was admitted on the application of another person, his release prior to becoming sixteen years of age may be conditioned upon the consent of his parent or guardian; and

(3) If the head of the hospital, within forty-eight hours from the receipt of the request, files with the probate division of the circuit court of the county wherein the patient resides or wherein the facility is located a certification that in his opinion the release of the patient would be unsafe for the patient or others, release may be postponed for as long as the court or the judge thereof determines to be necessary for the commencement of proceedings for judicial hospitalization, but in no event for more than ten days.

2. Notwithstanding any other provisions of sections 202.783 to 202.875, judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient unless the release of the patient has been requested by himself or the individual who applied for his admission.

**202.797. Hospitalization on medical certification—notice to patient—duties of county welfare department—hearing may be demanded.**—1. Any individual may be admitted to a hospital upon:

(1) Written application to the hospital by a friend, relative, spouse, or guardian of the individual, a health or public welfare officer, or the head of any institution in which such individual may be; and

(2) Certification by two licensed physicians that they have examined the individual and that they are of the opinion that he is mentally ill, and is in need of care or treatment in a mental hospital, and because of his illness, lacks sufficient insight or capacity to make responsible application therefor.

2. The certification by the physicians may be made jointly or separately,

and may be based on examination conducted jointly or separately, as the regulations of the division may prescribe. An individual with respect to whom such certification has been issued may not be admitted on the basis thereof at any time after the expiration of fifteen days after the date of examination exclusive of any period of temporary detention authorized under section 202.813.

3. A copy of the application and the certification by the physicians shall be filed with the county welfare department. The head of the county welfare department or any other person designated by him shall serve the individual by delivering to him a written notice that application for his admission to a hospital for care and treatment for mental illness has been made; that such application is supported by medical certification; and that such individual will be transported and admitted to the hospital designated in the notice unless within five days after service of such notice such individual makes known to the county welfare department that he desires to have judicially determined whether he should be taken and admitted to such hospital, which request may be made orally or in writing. The serving person contemporaneously with such service shall deliver to such individual a printed or typewritten request for such judicial determination, complete except for the signature of the individual, addressed to the county welfare department whose address shall be designated in the written notice. If within five days the individual signs and mails or delivers such request or otherwise notifies the county welfare department of his request for a judicial determination, he shall be deemed to have made the desired request. If no request is made the individual may be transported and admitted to the hospital. If such request is made notice thereof shall be given promptly to the person who made the application, who within five days shall commence proceedings for a judicial determination under section 202.807. If such proceedings are not commenced within such five days the application and certification shall be void. Upon completion of the service the serving person shall make an affidavit that he made the service and delivered the request, and file the affidavit with the clerk of the probate division of the circuit court.

**202.805. Hospital to notify probate division of circuit court of admission of emergency patient—release ordered, when—temporary detention.—1.** Within ten days after the admission of any person under the provisions of section 202.800 or 202.803 the head of the facility shall notify the probate division of the circuit court of the county wherein the facility is located of such patient. The notification shall contain the full name of the patient, his address, manner of admission, the name of his next of kin, spouse or guardian, and such other information concerning the patient as may be necessary.

2. Upon receipt of the notice the judge shall note it on his docket and if no proceeding is instituted under section 202.807 by any person authorized to do so within five days, he shall order the patient's release. The head of the facility upon receipt of the order of release shall release the patient immediately.

3. If the proceeding under section 202.807 is instituted within the five-day period, the court shall hold the hearing therein provided for within ten days thereafter and shall order that all preliminary acts required by section 202.807 be performed before the hearing. The court may order the temporary confinement continued until the rendition of judgment in the proceeding, but the judgment shall be rendered not later than five days after the end of the hearing.

**202.807. Hospitalization on court order—judicial procedure.—1.** Proceedings for the involuntary hospitalization of an individual may be commenced by the



filing of a written application with the probate division of the circuit court by a friend, relative, spouse, county sheriff, or guardian of the individual, or by a licensed physician, a health or public welfare officer, or the head of any public or private institution in which such individual may be. Any such application shall be accompanied by a certificate of a licensed physician stating that he has examined the individual and is of the opinion that the individual is mentally ill, or is a mentally retarded person at least seventeen years of age and not under the jurisdiction of a juvenile court, and should be hospitalized, or by a written statement by the applicant that the individual has refused to submit to examination by a licensed physician.

2. Upon receipt of an application the court shall give notice thereof, and of the time of hearing thereon, to the proposed patient, and to his legal guardian or, if he has no legal guardian, to his spouse, parent or nearest known relative or friend.

3. The proposed patient, the applicant, and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses, and the court in its discretion may receive the testimony of any other person. The proposed patient shall not be required to be present. At least one of the witnesses at the hearing shall be a licensed and reputable physician who has examined the individual within twenty days prior to the filing of the application. If an order of hospitalization is made, the medical witness shall make out a detailed history of the case, as far as practicable, stating the diagnosis or nature of the mental condition, its duration, former treatment of the patient, and all other particulars relating to the patient and his mental condition on forms acceptable to the division of mental health. This history shall be attached to the order of hospitalization to be delivered to the facility. The court in its discretion may order further examination as to the mental condition of the proposed patient and may continue the hearing until the report of such further examination is made to the court.

4. The hearings shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have harmful effect on the mental health of the proposed patient. The court shall receive all relevant and material evidence which may be offered and shall not be bound by the rules of evidence. If it is found that the proposed patient is not represented by an attorney, the court shall appoint an attorney to represent him, and if it is further found that the patient is unable to pay an attorney's fee for services rendered in the proceedings, the court may allow a reasonable attorney's fee for the services, which fee shall be assessed as costs and paid by the county together with other costs in the proceedings.

5. If, upon completion of the hearing and consideration of the record, the court finds that the proposed patient is mentally ill, and is in need of custody, care, or treatment in a mental facility and, because of his mental condition, lacks sufficient insight or capacity to make responsible decisions with respect to his hospitalization, it shall order his hospitalization for an indeterminate period; otherwise it shall dismiss the proceedings.

6. Appeals from a final adjudication by the probate division of the circuit court under this section shall be allowed. The affidavit for appeal may be made by the applicant, by the proposed patient, or by the attorney for either, or by any relative of the proposed patient, or any reputable citizen of the county in which the hearing occurred. The appeal shall be governed by the statutes

in the probate code relating to appeals from the probate division of the circuit court.

7. No person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone for healing may be ordered detained or committed under the provisions of sections 202.783 to 202.875 unless substantial evidence is produced upon which the court finds, in addition to the other findings required by sections 202.783 to 202.875, that he is or would likely become dangerous to himself, or to the person or property of others, or unless he or his legal guardian, if any, consents to such detention or commitment. Sections 202.783 to 202.875 do not authorize any form of compulsory medical treatment of any person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone for healing.

8. Nothing in this section is construed to prohibit the temporary emergency confinement of any person who is acting or appears to be immediately about to act in such a manner as to endanger the person, lives, or property of himself or others, or both.

9. If the hearing arising out of sections 202.790, 202.800, 202.803 or 202.805 is in a court not of the county of residence and the patient makes application that the hearing be held in his county of residence, the court shall order the proceedings with all papers, files, and transcripts of the proceedings to be transferred to the probate division of the circuit court of the county of residence.

10. Any fees for all services required of the judge, clerk or court for which reimbursement has not otherwise been made shall be paid at the expense of the county of residence.

**202.813. Transportation to hospital—temporary detention.—1.** Whenever an individual is about to be hospitalized under the provisions of sections 202.797, 202.800, 202.803 or 202.807, the county court or the probate division of the circuit court if the individual is a resident of the City of St. Louis or a class one county, upon the request of a person having a proper interest in the individual's hospitalization, and if the court finds that the individual is entitled to be hospitalized as a county patient, or that such action is necessary for the individual's physical and mental health, shall arrange for the individual's transportation to the hospital with suitable medical or nursing attendants and by such means as may be suitable for his medical condition. Whenever practicable, the individual to be hospitalized shall be accompanied by one or more of his friends or relatives.

2. Pending his removal to a hospital, a patient taken into custody or ordered to be hospitalized pursuant to sections 202.780 to 202.870 may be detained in his home, a licensed foster home, or any other suitable facility under such reasonable conditions as the judge of the probate division may fix, but the patient, except because of and during an extreme emergency, shall not be detained in a non-medical facility used for the detention of individuals charged with or convicted of penal offenses. Reasonable measures, including provision for medical care, as may be necessary to assure proper care of an individual temporarily detained pursuant to this section shall be taken.

**202.833. Right to release—temporary detention—notice of rights.—1.** Any patient hospitalized under the provisions of section 202.797, who requests to be released or whose release is requested, in writing, by his legal guardian, spouse, or adult next of kin shall be released within forty-eight hours after receipt of the request except that, upon application to the judge of the probate division of the

circuit court, supported by a certification by the head of the hospital that in his opinion such release would be unsafe for the patient or for others, release may be postponed for such period not to exceed five days as the judge may determine to be necessary for the commencement of proceedings for a judicial determination pursuant to section 202.807.

2. The head of the hospital shall provide reasonable means and arrangements for informing involuntary patients of their right to release as provided in this section and for assisting them in making and presenting requests for release.

**202.837. Petition for reconsideration of order of commitment.**—Any patient hospitalized pursuant to section 202.807 shall be entitled to a reexamination of the order for his hospitalization on his own petition, or that of his legal guardian, parent, spouse, relative, or friend, to the court ordering his hospitalization. Upon receipt of the petition, the court shall conduct or cause to be conducted by a special commissioner proceedings in accordance with section 202.807.

**205.320. Board to provide detention room.**—The board of trustees shall provide a suitable room for the detention and examination of all persons who are brought before the probate division of the circuit court of such county for insanity proceedings, if such hospital is located at the county seat.

**207.025. Child support enforcement unit established—duties of—duties of prosecuting attorneys—compensation.**—1. There is established within the division of family services a single and separate organizational unit to administer the state plan for child support enforcement; provided, however, that the duty under the state plan to litigate or prosecute support actions shall be performed by the appropriate prosecuting attorney and provided that the division of family services shall fully utilize existing IV-A division staff to perform child support enforcement duties where so approved by the Department of Health, Education and Welfare and where consistent with federal requirements as specified in PL 93-647 and 45 CFR, Section 303.20. For the purpose of utilizing the resources of counties in the enforcement and collection of support obligations under the state plan, the director shall enter into cooperative agreements with county governing bodies, circuit courts and circuit clerks and prosecuting attorneys. The contracts to be executed shall provide, as a minimum, for the following:

(1) For the governing body of the city or county to hire such additional stenographic secretarial and administrative assistants as may be required to administer 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353 within that jurisdiction; and

(2) For the county or city upon recommendation of the prosecuting attorney to hire such additional assistant prosecuting attorneys as may be required to administer 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353 within that jurisdiction;

(3) For the city or county to furnish office space and other administrative requirements for the proper administration of 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353 within that jurisdiction; and

(4) For the reimbursement by the state from moneys received from the federal government of costs associated with enforcement of 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353 by the county or city at the applicable rate to be paid at least monthly and when properly authenticated vouchers are submitted by the county or city, such payments to be made not later than ten days from the date of submission of the vouchers.

2. Limitations set out in chapter 56 RSMo with regard to salaries and the

number of assistant prosecuting attorneys and with regard to the stenographic or administrative personnel shall not apply and the county or city governing body shall appropriate such funds as are required to compensate such additional staff for implementing the provisions of 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353.

3. With the approval of the county or city governing body and for the purpose of investigating child support cases, the prosecuting attorney or circuit attorney may employ such investigators as may be required to properly administer the provisions of 207.025, 208.040, 208.045, 208.150, 208.170, 453.400 and 559.353.

4. The director of the division shall render child support enforcement services to persons who are not recipients of public assistance as well as to such recipients. An application shall be filed with the division for services, and an application fee may be required by the division. An additional fee for expenses incurred in excess of the application fee may be required by the division in providing services; provided, however, that any additional fee shall not exceed ten percent of any support money recovered and provided that the amount of the fee shall be agreed to by the applicant in writing. Expenses incurred by a county under a cooperative agreement with the division in the prosecuting attorney's office or in the circuit clerk's office in enforcing or collecting a child support obligation in any civil litigation or other noncriminal proceeding for a person who is not a recipient of public assistance, but who has made an application with the division for child support enforcement services shall be construed as expenses incurred by the division. The application fee and any additional fee may be deducted from the support money recovered. Fees collected pursuant to this subsection shall be deposited in the child support enforcement fund in the state treasury.

5. Each prosecuting attorney in this state, as an official duty of such office, shall litigate or prosecute any action necessary to secure support for any person referred to such office by the division of family services, including, but not limited to reciprocal actions under chapter 454, RSMo, actions to enforce obligations owed to the state under an assignment of support rights and actions to establish the paternity of a child for whom support is sought.

6. In all cases where a prosecuting attorney is required to file an information or is required under the provisions of subsection 5 of this section to litigate or prosecute an action necessary to secure child support, and the information is not filed or the action commenced within ten days of the receipt of the complaint alleging the offense or the receipt of the referral from the division of family services, the associate circuit judge of the county or, where there is more than one associate circuit judge of a county or city not within a county an associate circuit designated for such purpose by the presiding judge of the circuit, shall meet with the prosecuting attorney regarding his intention in the case. At the meeting the prosecuting attorney shall provide the associate circuit judge with a statement, under oath, specifying the prosecutor's intentions regarding the disposition of the case in question. If the prosecuting attorney states that he does not intend to file the information or to litigate or prosecute the child support action, or if the prosecuting attorney states that he does intend to file the information or to litigate or prosecute the action under section 543.020 and 543.050, RSMo, but fails to do so within sixty days following the meeting, the associate circuit judge shall forward to the governor a statement of his findings as to the facts regarding the intention of the prosecuting attorney and shall recommend to the governor the appointment of a special prosecuting attorney to discharge the duties of the prosecuting attorney in the particular case involved. Within ten days of the receipt of the statement of findings and the recommendations from the associate

circuit judge, the governor shall appoint a special prosecuting attorney for the sole purpose of discharging the duties of the prosecuting attorney in the particular case. The appointment of a special prosecuting attorney under this subsection shall terminate upon the completion of the particular case for which he was appointed including post trial motions and appeals.

7. Each special prosecuting attorney appointed by the governor as provided in subsection 6 of this section shall possess the same powers as the prosecuting attorney in the particular case involved and shall receive as compensation for this services, an amount of twenty dollars per hour out of court and thirty-dollars per hour in court for each hour actually spent in the prosecution or litigation of the particular case. Such compensation shall be paid by the county and deducted from the amount due prosecuting attorneys under the provisions of subsection 8 of this section.

8. For the performance of the additional duties imposed by this section, each prosecuting attorney in counties of the third and fourth class shall receive additional annual compensation of four thousand five hundred dollars; each prosecuting attorney in counties of the second class shall receive additional annual compensation of two thousand dollars; each prosecuting attorney in counties of the first class without a charter form of government shall receive additional annual compensation of one thousand dollars; each circuit attorney in cities not contained within a county shall receive additional annual compensation of seven thousand five hundred dollars. The additional annual compensation for prosecuting attorneys and circuit attorneys provided for in this section shall be paid with county funds or city funds, provided, however, that the state shall reimburse the counties or cities for funds expended for the additional annual compensation to the extent that incentive payments made to a county or city by the division of family services pursuant to the terms of cooperative agreements are insufficient to pay for the additional annual compensation. The governing body in each county or city shall submit a monthly billing to the office of administration listing the amount of incentive payment moneys received and listing the amount of money owing to the county or city as reimbursement for the additional annual compensation for the prosecuting attorney or circuit attorney. The office of administration shall pay such sum monthly from the amount of money appropriated specifically for such purpose by the General Assembly. In the absence of a cooperative agreement between the county or city and in division of family services, the additional annual compensation provided for in this section shall be paid with county or city funds entirely and not with state funds.

9. Each county shall cooperate with the division of family services in the enforcement of support obligations under the state plan by appropriating a sufficient sum of money for the offices of the prosecuting attorney and the circuit clerk to enable those offices to perform any duty imposed under this law or any other law with respect to the enforcement of support obligations or to the transmittal of support moneys to the division for deposit in the child support enforcement fund in the state treasury.

10. The term "prosecuting attorney" as used in this section and section 208.040, RSMo, with reference to the City of St. Louis, means the circuit attorney.

208.130. Payment of benefits, to whom—disposition of benefit check of deceased person.—1. Payment of benefits hereunder shall be made monthly in advance, at such regular intervals as shall be determined by the division of family services directly to the recipient, or in the event of his incompetency, to his legally appointed guardian, and except as provided in subsection 2, in the case of

a dependent child to the relative with whom he lives; provided, that payments for the cost of authorized inpatient hospital or nursing home care in behalf of an individual may be made after the care is received either during his lifetime or after his death to the person, firm, corporation, association, institution, or agency furnishing such care, and shall be considered as the equivalent of payment to the individual to whom such care was rendered. All guardianship proceedings of persons applying for or receiving benefits under this law shall be carried out without fee or other expense when in the opinion of the probate division of the circuit court and the person is unable to assume such expense. At the discretion of the court such a guardian may serve without bond.

2. Payment of benefits with respect to a dependent child may be made, pursuant to regulations of the division of family services, to an individual, other than the relative with whom he lives, who is interested in or concerned with the welfare of the child, or who is furnishing food, living accommodations or other goods, services or items to or for the dependent child, in the following cases:

(1) Where the relative with whom the child lives has demonstrated an inability to manage funds to the extent that payments to him have not been or are not being used in the best interest of the child; or

(2) Where the relative has refused to participate in a work or training program to which he has been referred under section 208.042.

3. Whenever any recipient shall have died after the issuance of a benefit check to him, or on or after the date upon which said benefit check was due and payable to him, and before the same is endorsed or presented for payment by the recipient, the probate division of the circuit court of the county in which said recipient resided at the time of his death shall, on the filing of an affidavit by one of the next of kin, or creditor of said deceased recipient, and upon the court being satisfied as to the correctness of such affidavit, make an order authorizing and directing such next of kin, or creditor, to endorse and collect said check, which shall be paid upon presentation with a certified copy of said order attached to the check and the proceeds of which shall be applied upon the funeral expenses and the debts of said decedent, duly approved by the probate division of the circuit court, and it shall not be necessary that an administrator be appointed for the estate of said decedent in order to collect said benefit check. No cost shall be charged in said proceedings. Such affidavit filed by one of the next of kin, or creditor, shall state the name of the deceased recipient, the date of his death, the amount and number of such benefit check, the funeral expenses and debts owed by the decedent, and whether said decedent had any estate other than said unpaid benefit check and, in the event said decedent had an estate that requires administration, the provisions of this section shall not apply and the estate of the decedent shall be administered upon in the same manner as estates of other deceased persons.

**209.100. Division of Family Services to keep blind pension roll.**—The division of family services shall place the names of all persons certified by it for a pension under sections 209.010 to 209.160 upon a record to be kept in its office to be known as "The Blind Pension Roll" which shall contain also the residence, post-office address, date upon which the application for pension was filed with the judge of probate division of the circuit court or division of family services, and the date the certificate was received by the division of family services; and the name of any person appearing upon the said blind pension roll shall be prima facie evidence of the right of such person to the pension herein provided.

**209.110. Person aggrieved may appeal.**—Any person claiming the benefits of

sections 209.010 to 209.160 who is aggrieved by the action of the division of family services on the question of such person's vision or as to his or her property or income, residential or moral qualifications to receive the benefits of sections 209.010 to 209.160, may appeal from its decision to the circuit court of his or her judicial circuit within ninety days from the decision complained of, by giving the division notice of such appeal; such appeal shall be had and tried in the circuit court de novo, and the judgment rendered thereupon shall be final; and if such judgment be in favor of appellant a certified copy of same shall be mailed to the division of welfare at its office in Jefferson City.

**210.320. Regulation of detention facility—taxation of cigarettes to support, rate—discount for wholesaler—refunds—failing to affix stamps or pay tax, penalty—possession of unstamped cigarettes, prima facie evidence cigarettes intended for sale, exception—seizure of property, when, procedure—violation of a misdemeanor—budget (certain first class counties).—1.** The county court or other legislative authority in any such county, or the circuit judges en banc in any first class county with the greater part of a city of three hundred fifty thousand or more population, shall make all rules and regulations for the government of such places of detention, make a budget for operations, appoint officers and attendants, including teachers, prescribe their duties and fix their compensation. The expense of maintaining such place of detention, including the compensation of officers and employees thereof, shall be paid out of any funds available for the purpose, as the county court deems proper; except, that no portion of the special road fund shall be appropriated for this purpose.

2. In any first class county with the greater part of a city of three hundred fifty thousand or more population, to defray in whole or in part the expenses of such places of detention and any other children's services, the county court or other legislative authority is hereby authorized to impose a tax on the sale of cigarettes made of tobacco or any substitute for tobacco, not to exceed two and one-half mills per cigarette sold in the county.

3. The rate of taxation shall not be greater than the amount required for children's services.

4. The county cigarette tax shall be collected by the state department of revenue in the same manner as is provided by chapter 149, RSMo for the collection of the state cigarette tax. The director of revenue shall retain, from the county tax collected, one percent of the amount collected and deposit that amount in the state general revenue fund to help defray the cost to the state of collecting and distributing this tax.

5. The county tax shall be paid, county stamps or meter impressions shall be affixed, records covering the business carried on in any county adopting the tax herein provided shall be kept in Missouri, records shall be subject to the examination of any authorized representative of the director, and reports covering the county tax required by the director shall be filed in the same manner as is provided by chapter 149, RSMo for the state cigarette tax; except, that the payment of the county tax shall not be deferred and a two percent discount shall be given any wholesaler for affixing stamps or making reports required by the director.

6. The director may make refunds or exchange county stamps or meter units on unused county stamps or meter units or on county stamps or meter impressions affixed to any packages of cigarettes which have become unsalable in the same manner as is provided by chapter 149, RSMo, for the refund or exchange of state cigarette tax stamps or meter units.

7. If after any audit, examination of records or other investigation the director finds that any person has sold cigarettes in any county adopting the cigarette tax herein provided, without county stamps or meter impressions affixed thereto or that any person has failed to pay the county tax on cigarettes sold in such counties, the director shall assess such county tax against such person, together with a penalty equal to one hundred percent of the county tax due and the tax and penalty thereon shall bear interest at the rate of six percent per annum from the date such cigarettes were sold in such county until the date of payment. The county taxes and penalties assessed under this section shall be a first lien on all property and assets of such person within this state.

8. No person, other than licensed wholesalers or other persons specifically provided for in chapter 149, RSMo, shall possess for the purpose of sale in any county adopting the tax herein provided, any cigarettes to which stamps or meter impressions evidencing the county tax are not affixed. Mere possession of unstamped packages of such cigarettes shall be prima facie evidence that the cigarettes are intended for sale in such county.

9. All cigarettes to which county stamps or meter impressions are not affixed which shall be found in the possession, custody, or control of any person, for the purpose of being consumed, sold or transported into, within or through any county adopting the tax herein provided, for the purpose of evading the provision of this section, or with intent to avoid payment of the county tax authorized hereunder, and any motor vehicle, truck or other conveyance whatsoever used in the transportation of such cigarettes, and all paraphernalia, equipment or other tangible personal property incident to the use of such purposes, found in the place, building, vehicle, or vehicles where the cigarettes are found, may be seized by the director or his duly authorized agents, or any peace officer within the state, and the same shall be, from the time of the seizure, forfeited to the county of seizure and a proper proceeding filed in a court of competent jurisdiction in the county of seizure, to maintain the seizure and prosecute the forfeiture in the same manner as is provided by section 149.055, RSMo, for the state cigarette tax.

10. The director of revenue of this state shall promulgate reasonable and necessary regulations for the collection of this tax.

11. Any person who commits any act or omission with regard to cigarettes sold or intended to be sold in any county adopting the tax herein provided; or with relation to stamps applied or intended to be applied to cigarettes for sale in any such county, or with respect to records, reports, or returns of sales made taxable under this section; which if done with regard to cigarettes made taxable under chapter 149, RSMo, or stamps or records prescribed thereunder, would be a violation of said chapter, shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law.

12. The budget for the operation of such places of detention shall be fixed by the circuit judges en banc in counties of the first class with the greater part of a city of three hundred fifty thousand or more population. Such budget shall be filed with the county court or other legislative authority at the same time as, and becomes a part of, the budget of the circuit court en banc for the performance of its other duties and functions.

**210.380. Dependent minor defined—filing of petition concerning dependency.**

—Any responsible person, a resident of any county of this state or any city not in a county in this state, may petition any division of the circuit court of such city or county, to inquire into the alleged dependency of any minor then within such city or county, and every minor who shall come within the follow-



ing descriptions shall be considered a dependent minor, viz.: Every minor who frequents any street, alley or other place for the purpose of begging or receiving alms, or who shall have no permanent place of abode, proper parental care or guardianship, or sufficient means of subsistence; or who from some other cause shall be a wanderer through the streets or alleys, or other public places; or who shall live with or frequent the company of, or consort with, reputed thieves or other vicious persons. The petition shall also state the home of the father and mother of the minor, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the minor be living, or to be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living, whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the minor, but shall also show that the parents, or parent or guardian, are, or is, not fit persons or person, to have the custody of such minor. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed, the judge shall have the minor named in the petition brought before him for the purpose of determining the application in said petition, and the courts for this purpose shall be considered always open.

**211.021. Definitions.**—As used in sections 211.011 to 211.431, unless the context clearly requires otherwise:

- (1) "Adult" means a person seventeen years of age or older;
- (2) "Child" means a person under seventeen years of age;
- (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;
- (4) "Legal custody" means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent's duty to provide support continues even though the person having legal custody may provide the necessities of daily living;
- (5) "Parent" means either a natural parent or a parent by adoption and if the child is illegitimate, "parent" means the mother.

**211.023. Juvenile court commissioner, how appointed, term, compensation, employee of state, retirement (first class charter counties and St. Louis City).**—

1. In each county of the first class having a charter form of government, a majority of the circuit judges, en banc, may appoint one or two persons who shall have the same qualifications as a circuit judge to act as commissioners. The commissioners shall be appointed for a term of four years. The compensation of a commissioner shall be thirty-three thousand dollars per year, payable by the state, and the commissioners shall devote full time to such duties.

2. In the City of St. Louis a majority of the circuit judges, en banc, may appoint one person who shall have the same qualifications as a circuit judge to act as a commissioner. The commissioner shall be appointed for a term of four years. The compensation of a commissioner shall be thirty-three thousand dollars per year, payable by the state, and the commissioner shall devote full time to such duties, and shall receive no other compensation for such duties from any other source whatsoever.

3. On January 2, 1979, juvenile court commissioners shall become employees of the state. Such persons shall thereupon become participants in the Missouri

State Employees' Retirement System, and shall be entitled to prior service credit for service rendered as a juvenile commissioner if:

(1) The person was on the day immediately before becoming a member of the Missouri state employees' retirement system a member of the St. Louis City employees retirement system, a member of the Missouri local government employees' retirement system under the provisions of sections 70.600 to 70.760, or of a county retirement system established prior to October 13, 1967, or authorized by section 70.615;

(2) The person makes application to the board for such prior service credit within 90 days after becoming a member of the Missouri state employees' retirement system and established such service to the satisfaction of the board; and

(3) The person pays into the fund within 180 days after becoming a member of the Missouri state employees' retirement system an amount equal to any contributions paid into any such city, local employees or county retirement system by him or in his behalf by virtue of service rendered in such capacities which he received or could receive from such system as a refund upon withdrawal from such city, local or county retirement system. In lieu of obtaining prior service credit under the foregoing provisions any such person who was on January 1, 1979, a participant in the St. Louis County Employees' Retirement Plans (Plan A or Plan B) and who has accrued at least three years of credited service under the County Retirement Plans shall be entitled to prior service credit with the Missouri State Employees' Retirement System for service rendered to the County upon payment to the Missouri State Employees' Retirement System of an amount equal to contribution paid to the County Retirement Plan by the County on behalf of such person. The preceding sentence is enacted to fulfill the requirements of section 204.145 of the Revised Ordinances of St. Louis County.

**211.061. Arrested child taken before juvenile court—transfer of prosecution to juvenile court.—**1. When a child is taken into custody with or without warrant for an offense, the child together with any information concerning him and the personal property found in his possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for him.

2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he was under the age of seventeen years at the time he is alleged to have committed the offense, or that he is subject to the jurisdiction of the juvenile court as provided by sections 211.011 to 211.431, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him and the personal property found in his possession, to the juvenile officer or person acting as such. The juvenile court shall proceed as in other cases instituted under sections 211.011 to 211.431.

**211.311. Clerk of circuit court to act for juvenile court.—**The clerk of the circuit court shall act as the clerk of the juvenile court.

**211.393. State to pay salary of full-time juvenile officer—expense of certain circuits prorated to counties.—**1. The salaries and expenses of all juvenile court personnel in a circuit composed of a single county of the first or second class and in the City of St. Louis are payable monthly out of county or city funds, as the case may be, except that the salary of the juvenile officer of any

such circuit in which he is engaged full time is payable monthly by the state of Missouri, but not to exceed the sum of seventeen thousand five hundred dollars annually, and is not a limit of the total compensation paid by said county or city. The payment by the state of Missouri shall be made to either the juvenile officer, or to the county or the City of St. Louis.

2. In circuits composed only of counties of the third and fourth class, and in circuits containing two or more counties, one of which is a second class county, the salaries and expenses are payable monthly out of the county funds and prorated among the several counties served upon a ratio determined by a comparison of the respective populations of the counties involved, except that the salary of the juvenile officer of any such circuit in which he is engaged full time is payable monthly by the state of Missouri, but not to exceed the sum of seventeen thousand five hundred dollars annually.

**211.411. Law enforcement officials to assist and cooperate with juvenile officers.**—1. It is the duty of circuit, prosecuting and city attorneys, and county counselors representing the state or a city in any court, to give the juvenile officer such aid and cooperation as may not be inconsistent with the duties of their offices.

2. It is the duty of police officers, sheriffs and other authorized persons taking a child into custody to give information of that fact immediately to the juvenile court or to the juvenile officer or one of his deputies and to furnish the juvenile court or the juvenile officer all the facts in his possession pertaining to the child, its parents, guardian or other persons interested in the child together with the reasons for taking the child into custody.

3. It is the duty of all other public officials and departments to render all assistance and cooperation within their jurisdictional power which may further the objects of sections 211.011 to 211.431. The court is authorized to seek the cooperation of all societies and organizations having for their object the protection or aid of children and of any person or organization interested in the welfare of children.

**213.127. Courts in which rights enforced—when action must be brought—costs and attorney fee, complainant liable for, when.**—1. The rights granted by sections 213.105, 213.110 and 213.115 may be enforced by civil actions in any circuit court in this state, before either a circuit or associate circuit judge, and shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred.

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff.

3. Any complainant or plaintiff who fails to prevail under any procedure initiated by virtue of sections 213.100 to 213.130 shall be liable for all costs in connection therewith, including a reasonable attorney's fee to be awarded to the person complained against, and may be required to give security therefor.

**221.240. Sheriff to take prisoners before circuit court.**—When any person shall be committed to jail, in conformity to section 221.230, it shall be the duty of the sheriff of the county in which said jail is situated to take, or cause to be taken, the person thus committed, together with the day and cause of his capture and detention, before the circuit court of the county appointed for the trial of such prisoner, at such time as the cause is set for trial and at such other times as the court shall direct.

**221.320. Board of visitors—appointment—term.**—In each county of the state the presiding judge of the circuit court, or such other judge or judges as may be determined by local circuit court rule, may, and upon the petition of fifteen reputable citizens shall, appoint six persons, three of whom shall be women, and not more than three shall have the same political affiliations, who shall constitute a board of county visitors, two of whom, as indicated by the appointing judge, upon the fixed appointment, shall serve for one year, two for two years and two for three years, and upon the expiration of the term of each, his or her place and that of his or her successor shall, in like manner, be filled for the term of three years, who shall constitute a board of visitors for the inspection of all corrective institutions supported by such county, who shall serve without compensation.

**222.170. Appropriate court defined.**—The phrase "appropriate court" as used in the agreement on detainers shall, with reference to the courts of this state, mean the state supreme court, the state court of appeals, and the state circuit courts except the probate or municipal divisions thereof.

**242.030. Notice of application—form.**—1. Immediately after such articles of association shall have been filed, the clerk in whose office the articles of association have been filed shall give notice by causing publication to be made once a week for four consecutive weeks in some newspaper published in each county in which are situate lands and other property of the district, the last insertion to be made at least fifteen days prior to the first day of the next regular term of the circuit court at which said articles of association and petition are to be heard; said notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections 242.010 to 242.690.

#### NOTICE OF APPLICATION TO FORM DRAINAGE DISTRICT.

Notice is hereby given to all persons interested in the following described real estate and other property in ..... county of Missouri (here described the property as set out in the articles of association) that articles of association asking that the foregoing lands and other property be formed into a drainage district under the provisions of chapter 242, RSMo, and that the lands and other property as above described will be affected by the formation of said drainage district and be rendered liable to taxation for the purposes of paying the expenses of organizing and making and maintaining the improvements that may be found necessary to drain, protect and reclaim the lands and other property in said district, and you, and each of you, are hereby notified to appear at a session of this court to be held on the ..... day of ....., 19 .... at ..... in ..... county, and show cause, if any there be, why said drainage district as set forth in the articles of association shall not be organized as a public corporation of the state of Missouri.

.....  
Clerk of the circuit court of ..... county.

2. The circuit court of the county in which said articles of association have been filed shall thereafter maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district without regard to county lines, for all purposes of sections 242.010 to 242.690; provided, that where lands in different counties are sought to be incorporated in the same district, it shall not be necessary to include all of the lands and other property in said proposed drainage district in the notice published in the different counties, but

only such lands and other property in the district as are situate in the respective counties.

**242.090. Notice of reorganization hearing—form.**—Immediately after such articles of association have been filed the circuit clerk in whose office the same have been filed shall give notice in the manner and for the time specified in section 242.030, said notice to be in substantially the following form, which shall be deemed sufficient for all the purposes of sections 242.010 to 242.690:

**NOTICE FOR HEARING OF PETITION FOR REORGANIZATION OF  
..... DRAINAGE DISTRICT.**

Notice is hereby given to owners of land and other property in "..... drainage district" of Missouri that articles of association have been filed in this office, asking that said drainage district be reorganized under the provisions of sections 242.010 to 242.690, RSMo, and that you and each of you are notified to appear at a session of this court to be held on ..... day of ....., 19 ....., at ..... in ..... county and show cause, if any there be, why said drainage district as set forth in said articles of association should not be reorganized as a public corporation under said law.

.....  
Clerk of the circuit court of ..... county.

The circuit court of the county in which said articles of association have been filed shall thereafter maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district without regard to county lines for all purposes of said sections; provided, that where lands in different counties are sought to be incorporated in the same district, it shall not be necessary to include all of the lands in said proposed drainage district in the notice published in the different counties, but only such lands and other property in the district as are situate in the respective counties.

**242.140. Drainage district may be dissolved, when.**—1. The incorporation of every drainage district, heretofore or hereafter incorporated under and by virtue of the provisions of sections 242.010 to 242.690, shall be dissolved if, at any time before bonds are issued and negotiated to construct the works and improvements as provided by the plan of reclamation adopted by its board of supervisors, the owners of a majority of the acres of land within said drainage district petition the circuit court, wherein said drainage district was incorporated, for a dissolution thereof; provided, that upon the filing of any such petition, said circuit court shall, before dissolving said corporation ascertain and determine the amount of money in the treasury of, or owing to, said corporation, and the amount of all warrants issued and unpaid by it and the amount of the debts and other obligations owing by it; and, if said amount of money in the treasury and owing to said corporation, is in excess of the amount of said warrants, debts and other obligations, said circuit court shall order said warrants, debts and other obligations to be forthwith paid and discharged, and said excess divided among all the owners of land in said drainage district who paid the same thereto, in the proportions in which they paid the same; but, if said amount of money, in the treasury and owing to said corporation, is not sufficient to pay and discharge said warrants, debts and other obligations then said circuit court shall order said board of supervisors to levy and collect a uniform tax upon each and every acre of land within said drainage district, sufficient in amount to pay said deficiency, and to thereupon pay the same.

2. At any time during the corporate life of such drainage district, when all outstanding bonds shall have been paid and when all other indebtedness of said

district shall have been paid or when there is sufficient money on hand to pay any and all outstanding indebtedness and when there is sufficient money on hand to pay the costs and expenses of the dissolution of said corporation as herein provided, the board of supervisors may, and, on a petition of one-tenth of the landowners, owing one-tenth of the lands in said district, shall, call a meeting of the landowners in said district for the purpose of determining whether or not said district shall be dissolved and its corporate life terminated, first giving three weeks notice of the object, purpose and place of such meeting by notices printed for three weeks successively in some newspaper or newspapers printed and published in the county or counties in which said drainage district lies; provided, however, that not more than one such meeting for purposes of dissolution shall be held each year.

3. If a majority of the landowners voting at said meeting and owning a majority of the acres of land in said district voting at said meeting vote in favor of the dissolution of the incorporation of said drainage district, the board of supervisors shall cause to be filed in the circuit court wherein said drainage district was incorporated, a petition setting out the facts; that there are no outstanding bonds of said district; that there is no other outstanding indebtedness of said district, or that there is sufficient money on hand to pay any outstanding indebtedness, as the case may be, and that there is sufficient money on hand to pay the cost and expenses of such dissolution; that due notice has been given of said meeting; and, that a majority, qualified as herein provided, voted in favor of such dissolution. Whereupon the court or the clerk thereof in vacation shall cause notice to be given by publication in some newspaper printed and published in said county for four successive weeks, the last publication being not less than fifteen days before the day to which said petition is made returnable, directed to the creditors, landowners and all persons interested, of the filing of said petition, its object and purpose, and ordering them to show cause, if any there be, on said first day, why said corporation should not be dissolved.

4. If, upon a hearing of said petition, the court find the facts aforesaid and find that there are no outstanding debts and that there is sufficient money to pay the expenses of dissolution, it shall enter its order dissolving said corporation. If it find there is sufficient money on hand to pay all outstanding debts it shall order said debts paid and thereafter, on proper showing of their payment, enter its order of dissolution. Any excess of money on hand shall be distributed as herein provided; provided, the foregoing provision of dissolution shall not be effective until the bridges across the drainage ditches in such district are sufficient and in a reasonable state of repair.

**242.240. Filing of reclamation report—appointment of commissioners.—1.** Within twenty days after the adoption of the plan of reclamation the secretary of the board of supervisors shall prepare and transmit a certified copy thereof to the circuit clerk of the court organizing said drainage district, and at the same time the board of supervisors shall file with said circuit clerk a petition asking the judge of said court to appoint commissioners to appraise the lands within and without said district to be acquired for right of ways, holding basins and other drainage works of the district, and to assess benefits and damages accruing to all lands in the district and other property be reason of the execution of the plan of reclamation.

2. Within thirty days after the filing of such petition the court shall, by an order, appoint three commissioners, who shall be freeholders residing within the state of Missouri, and who shall not be landowners in said district nor of kin

within the fourth degree of consanguinity to any person owning land in said district. A majority of said commissioners shall constitute a quorum and shall control the action of the board on all questions.

**242.310. Amendment of plan of reclamation procedure—appointment of commissioners.**—1. The board of supervisors for and in behalf of any drainage district, organized under sections 242.010 to 242.690, may file a petition in the office of the clerk of the court organizing said district, asking permission to amend or change the plan for reclamation. Said petition shall specifically set forth the change or amendment desired and in case commissioners have already appraised the values of lands to be taken for works set out in the plan for reclamation sought to be amended and assessed the benefits and damages to the lands, said petition shall ask for the appointment of three commissioners to appraise the land to be taken for use in the district, assess benefits and damages accruing to the lands of and property affected by the proposed amendment or change.

2. Upon the filing of the said petition the clerk of said circuit court shall cause a notice to be given to all the owners of land and other property situated in said district. Said notice shall be given by publication in some newspaper published in the county in which said district was organized and said notice may be in the following form, and shall be deemed sufficient for all purposes herein:

STATE OF MISSOURI, COUNTY OF ..... ss.

To the owners and all persons interested in the land and corporate property of ..... district of Missouri: You, and each of you, are hereby notified that the ..... drainage district of Missouri, by its board of supervisors, has filed in the office of the circuit clerk of ..... county, Missouri, its petition praying said circuit court for permission to amend or change (as the case may be) its plan for reclamation and unless you show cause to the contrary on or before the ..... day of ....., 19....., the prayer of said petition may be granted and said plan for reclamation may be amended and changed accordingly, and commissioners appointed to appraise property and to assess benefits and damages accruing to the lands or properties affected by such changes. .... Clerk ..... circuit court ..... county. Said notice shall be inserted once a week for two consecutive weeks in some newspaper published in each county having lands in the district.

3. Any owner of land or property affected by the proposed change or amendment, shall have a right to file his objections to the granting of the prayer of said petition within ten days after the last publication of the notice herein provided for. Said court shall hear said petition and any objections that may be filed against said petition in a summary manner, and if it should appear from the testimony offered that the objections should be sustained and that the plan for reclamation should not be changed, or amended, then the court shall dismiss the petition. But if it shall appear from the testimony offered that the prayer of said petition should be granted in whole or in part, the court shall allow and decree such change, or amendment. The clerk of said circuit court shall make a certified copy of such finding and judgment and furnish the same to the secretary of the board of supervisors who shall preserve the same in his office.

4. At the same session of the court at which the plan for reclamation is amended, changed or extended, the court may appoint three commissioners who shall possess the qualifications defined in section 242.240, to view the lands and other property affected by such change in the plan for reclamation and to assess said lands and property with the benefits and damages accruing thereto on ac-

count of the execution of the plan for reclamation as changed or amended, and said commissioners shall make a report to the court of their finding, after which the same proceeding shall be had concerning said report as is now provided for hearing objections to original reports appraising lands and assessing benefits and damages; provided, that if said district shall have outstanding any bonds or other negotiable evidences of indebtedness, any new assessment of benefit made in accordance with this section shall not diminish the total amount of the unpaid assessed benefits in said districts more than ten per cent, or below one hundred and twenty-five per cent, of the amount of the principal of such bond and other negotiable certificates of indebtedness issued by said district.

**242.500. Petition for reassessment of benefits—appointment of commissioners.**

—1. Whenever the owners of twenty-five percent or more of the acreage of the lands in the district shall file a petition with the circuit clerk in whose office the articles of association were filed, stating that there has been a material change in the values of the property in the district since the last previous assessment of benefits or readjustment of the assessment of benefits and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230, or for both of the aforesaid purposes, the said circuit clerk shall give notice of the filing and hearing of said petition in the manner and for the time provided for in section 242.030. Such notice may be in the following form:

Notice is hereby given to all persons interested in the lands and property included within the ..... district that a petition has been filed in the office of the clerk of the circuit court of ..... county, ..... , praying for a readjustment of the assessment of benefits for the purpose(s) of ..... , and that said petition will be heard by said circuit court on the ..... day of ..... , 19.....

.....  
Clerk of the circuit court ..... county.

Upon hearing of said petition if said court shall find that there has been a material change in the values of property in said district since the last previous assessment of benefits the court shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy the maintenance tax of said district or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230, or for both of the aforesaid purposes.

2. Thereupon the court shall appoint three commissioners, possessing the qualifications of commissioners appointed under section 242.240 to make such readjustment of assessments in the manner provided in section 242.260 of this chapter and said commissioners shall make their report, and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for the assessment of benefits accruing for original construction; provided, that in making the readjustment of the assessment of benefits said commissioners shall not be limited to the aggregate amount of the original or any readjustment of the assessment of benefits, and may assess the amount of benefits that will accrue from carrying out and putting into effect such supplemental plan for reclamation adopted by the board of supervisors pursuant to section 242.230. After the mak-



ing of such readjustment, the limitation of ten percent of the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted and the limitation of the tax which may be levied for payment of the costs of the completion of the proposed works and improvements as shown in the aforesaid supplemental plan for reclamation shall apply to the amount of the benefits as readjusted. There shall be no such readjustment of benefits oftener than once in five years. The list of lands, and other property, with the readjusted assessed benefits and the decree and judgment of the court, shall be filed in the office of the county recorder as provided in section 242.280.

**242.650. Change of venue limitation.**—1. No change of venue shall be allowed in any of the proceedings had under the provisions of sections 242.010 to 242.690, except where the judge of the court in which the articles of association have been filed shall be disqualified for any of the reasons stated in the statute of this state relating to the change of venue in civil cases.

2. If the judge of such court is disqualified or is charged by any person interested in the formation of said district with being disqualified for any of the reasons stated in the statutes, it shall be the duty of said judge to cause another judge to be transferred or assigned to hear the cause in the same manner as other civil cases. Such judge shall retain jurisdiction in such reclamation proceedings only until the disqualification of the regular judge of the circuit court shall have been removed.

**243.460. Notice to be published—form—jurisdiction of circuit court.**—1. When such petition shall have been filed in the office of the clerk of the circuit court of the county wherein lies the greatest number of acres in the proposed consolidated district, the clerk shall immediately cause to be published in some newspaper in each county having lands in the proposed district three consecutive weeks, three times, a notice, substantially in the following form:

To all persons owning or interested in any lands in drainage districts numbered ....., County, Missouri: Notice is hereby given to all persons owning or interested in any lands in drainage districts Nos. ...., County, Missouri, that a petition has been filed in my office asking that the aforesaid districts be consolidated into one district, and adjudged a public corporation to continue as such for a term of ..... years, under the name of "Consolidated Drainage District No. .... of ..... County, Missouri," and that said petition will be heard on the ..... day of ....., 19.....

.....  
Clerk of the circuit court of ..... county, Missouri

2. The circuit court of the county in which said petition has been filed shall thereafter, for all purposes of this chapter, have and maintain original and exclusive jurisdiction coextensive with the boundaries and limits of said district without regard to county lines.

**245.010. Definitions.**—1. The term "levee districts" as used in sections 245.010 to 245.280, and all other terms or provisions of law contained in sections 245.010 to 245.280, which have heretofore been interpreted, as apply to said levee districts, shall be construed to include, authorize, provide for and be made applicable to all districts now organized or which may hereafter be organized for the purpose of establishing, constructing or causing to be constructed, levees, dikes, bank protections, current control or other protection or reclamation improvements contiguous or adjacent to or situate near any body of swamp, wet

or overflowed land, or other property in the nature of individual or corporate franchises in this state, or land subject to overflow or inundation in or adjacent to any river or stream wholly within or bordering on the state of Missouri, property or land abutting, or situate near, which may be endangered or liable to be endangered through wash or bank erosion; provided, that whenever the proposed district is intended to include or does include lots, tracts, parcels or other subdivisions of land included in any third or fourth class city, town or village of this state, or in any city in this state under fifty thousand population operating under a special charter the words "acre", "acreage" or "subdivision of land" as now used in sections 245.010 to 245.280, shall be held and construed to include and be used interchangeably with the words "area", "lot", "tract" or "parcel of land", so that a lot or other subdivision of land within such cities shall correspond to the word "acre" as used in sections 245.010 to 245.280, when the levee district is organized in a rural area.

2. The word "owner" as used in sections 245.010 to 245.280 shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, trustees, or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under sections 245.010 to 245.280.

**245.050. Notice of reorganization hearing.**—Immediately after such articles of association have been filed the circuit clerk in whose office the same have been filed shall give notice in the manner and for the time specified in section 245.020, said notice to be in substantially the following form which shall be deemed sufficient for all the purposes of sections 245.010 to 245.280:

**NOTICE FOR HEARING OF PETITION FOR RE-  
ORGANIZATION OF ..... LEVEE DISTRICT**

Notice is hereby given to owners of land and other property in "..... levee district" of Missouri that articles of association have been filed in this office, asking that said levee district be reorganized under the provisions of section 245.010 to 245.280, and that you, and each of you, are notified to appear before the court on the ..... day of ....., 19....., at ..... in ..... county, and show cause, if any there be, why said levee district as set forth in said articles of association should not be reorganized as a public corporation under this law.

.....  
Clerk of the circuit court of ..... county.

The circuit court of the county in which said articles of association have been filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to county lines, for all purposes of sections 245.010 to 245.280; provided, that where lands in different counties are sought to be incorporated in the same district, it shall not be necessary to include all of the lands in said proposed district in the notice published in the different counties, but only such lands and other property in the district as are situate in the respective counties.

**245.140. Plan of reclamation may be changed—procedure.**—1. The board of supervisors for and in behalf of any levee district organized under the provisions of sections 245.010 to 245.280, or the owners of land adjacent to such district, shall have the right to file a petition in the office of the clerk of the court organizing the district praying the court to amend its former decree incorporating the dis-

tract, by correcting the names of landowners, by striking out any such names, by adding, striking out or correcting the descriptions of any lands within or alleged to be within the boundary lines of any such district, or in any other manner amend its decree; said petition may ask permission of the court for said board to amend or change the plan for reclamation, or to correct any errors, omissions or other mistakes that have been discovered in the plan for reclamation, or said petition may ask that the boundary lines of said district be extended so as to include lands not described by and included in the articles of association filed and the decree of the court incorporating the district. If such petition asks the court permission to change the plan for reclamation or that the boundary lines of such district be in any manner changed, it shall also ask the court to appoint three commissioners as provided for under the provisions of section 245.110 to appraise the land that shall be taken for right of ways or other works, or assess the benefits and damages to any or all lands, railroad and other property already in the district or that may be annexed to the district by the proposed amendments, and changes to the plan for reclamation or the proposed change in the boundary lines of said district.

2. After said petition shall have been filed, the court wherein said petition is filed, if in session, or the clerk thereof in vacation, shall fix the date, not less than forty-five nor exceeding sixty days from the date of filing of said petition, on or before which objections, if any, shall be filed to said petition, and the clerk shall give notice of the filing of said petition and of the date on or before which objections, if any, to said petition, and the clerk shall give notice of the filing of said petition and of the date on or before which objections, if any, to said petition shall be filed by causing publication to be made once a week for four consecutive weeks in some newspaper published in each county in which are situate the land and other property affected by the proposed changes, amendments and corrections mentioned in said petition, the first insertion to be made not more than fourteen days after the date on which the petition was filed. Said notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections 245.010 to 245.280:

To the owners and all persons interested in the lands, corporate and other property in and adjacent to "..... levee district".

You, and each of you, are hereby notified that a petition has been filed in this office praying the circuit court of ..... county for permission to (here insert the prayer of said petition with the lands mentioned therein and the names of the owners thereof), and you, and each of you, may file objections to the prayer of said petition, on or before the ..... day of ....., 19....., in this office, but not thereafter, if any there be, why the prayer of said petition should not be granted.

.....  
Clerk of circuit court of .....  
county, Missouri

3. Where lands or other property in different counties will be affected by the proposed changes, amendments and corrections enumerated in the said petition, it shall not be necessary to include all the said lands or other property in the notice published in the different counties, but only such of said lands and other property as are situated in the respective counties. Any owner of land or other property that will be affected by the proposed changes, amendments and corrections mentioned in the petition, may on or before the date fixed and published as above provided, file objections in the court or if in vacation thereof, in the office of the clerk of such court wherein the said petition is filed, to the

granting of the prayer of the said petition; provided, that the court may in vacation or term time extend the time upon terms. The court shall hear said petition and all objections that may have been filed against said petition in a summary manner without unnecessary delay, and enter its decree according to its findings.

4. The clerk of said court shall, within fifteen days after the granting of such decree, transmit a certified copy of said decree and a copy of the petition to the secretary of the board of supervisors, who shall transmit a copy of the same to each of the recorders of deeds of the counties having land in the district and to the secretary of state. Each such recorder shall file and preserve the same in his office, and for such filing and preserving he shall receive a fee of one dollar.

5. If said decree of the court provides that the plan for reclamation may be amended, changed or corrected or the boundary lines of the district extended, the court shall appoint three commissioners, possessing the same qualifications as the commissioners appointed under the provisions of section 245.110, to appraise property to be taken, assess benefits and damages and estimate the cost of improvements the same as is required of commissioners acting under the provisions of section 245.120. Said commissioners shall make their report in writing and file the same with the circuit clerk, after which the case shall be proceeded with in the same manner as is now provided for in sections 245.010 to 245.280 for the organization of levee districts; provided, that if the petition be dismissed the district shall pay the cost, but if the petition be sustained in whole or in part, the objectors shall pay the court costs. In case the benefits and damages have been assessed on the land and other property remaining in the district and the court finds the same will not be altered by either the change in the boundary line or change in the plan for reclamation, the court shall not appoint commissioners to make assessments.

**247.040. Formation of public water supply district--procedure.**—1. Proceedings for the formation of a public water supply district shall be substantially as follows: A petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than fifty owners of real estate situate within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof; provided, should the proposed district include territory in more than one county, the number of petitioners from each county shall be in proportion to the acreage of real estate in the respective counties situate within the proposed district.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein

provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The said notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of said circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district or to the boundaries outlined in the petition for the incorporation thereof, may be made by any person or corporation owning real estate or other property within the boundaries of the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary line as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one resident freeholder from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict. The court shall designate two of such directors so appointed to serve for a term of three years, two to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the term thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to an election of the qualified voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of two-thirds of the qualified voters of the district voting on the proposition at such election. The decree shall provide for the holding of the election herein referred to, shall fix the date thereof, the polling place or places at which it shall be held, shall appoint the judges and clerks to conduct said election, shall prescribe the form of ballot to be used thereat, and shall direct the

giving of the notice of such election. Such notice shall be signed by the clerk of the circuit court and shall be published in two successive issues of at least one weekly newspaper or in seven successive issues of a daily newspaper published in each county in which any portion of the district is situate, the last publication to be not more than seven days before the date of the said election. The clerk of the circuit court shall supply the judges and clerks of election with all necessary poll books, tally sheets, ballots and supplies required for the conduct of such election and such election shall be held and conducted and the results thereof certified as in the case of general elections under the laws of the state of Missouri. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case said court shall thereupon enter its order canvassing said returns and declaring the result of such election.

7. If, upon such canvass and declaration, it is found and determined that the proposition submitted at such election shall have been assented to by a majority of two-thirds of the qualified electors of the district voting on such proposition then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that said proposition had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid order. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county court of the county or counties in which the district is situate.

8. The boundaries of any district thus formed may be extended or enlarged from time to time upon the filing with the clerk of the circuit court having jurisdiction, of a petition by the board of directors of the district and five or more owners of real estate situate within the territory proposed to be annexed to the district. Thereupon the same proceedings shall be had as are herein provided in the case of the filing of a petition for the organization of the district. And upon the entry of a final order declaring the court's decree of annexation to be final and conclusive the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable.

9. The costs incurred in the formation, enlargement or extension of the district shall be taxed to the district, if the district be incorporated, enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district; provided further, should any owner of real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, he shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse his certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the said court to amend the boundaries of such district by a decree incorporating the said real estate in the same. A certified copy of this decree including said real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

**249.040. Sanitary engineer—appointment, oath, duties, reports, contents.—**

Upon the filing of such petition and bond the circuit court is hereby directed, within ten days thereafter, to appoint a competent sanitary engineer who may be an individual copartnership, or a corporation, to lay out and define the boundaries of the proposed sewer district. The said engineer shall subscribe an oath to faithfully discharge his duties as such engineer and to make a true report of the work done and the facts ascertained by him. The said engineer may alter or amend the boundaries of the proposed district as set forth in the petition, so that the boundaries may embrace all of the area capable of being efficiently served or drained by the system of sewers, or so as to exclude from the sewer district any part of the natural drainage area which is so situated as not to be benefited by the proposed system of sewers and for this purpose shall have power to make all surveys, maps, and do all things necessary to locate and describe said boundaries. If the engineer finds the proposed sewer system would be for the preservation of the public health or public welfare or will be of public utility or benefit he shall so report and in said report he shall state approximately the proper plan of and the location of the system of sewers and the probable cost of the improvement necessary to accomplish the objects of the petition. The engineer shall report his findings in writing, with such maps, profiles, drawings and other data as are necessary to advise the court in the premises and shall promptly file the same with the clerk of the circuit court. Said report shall be filed within thirty days after his appointment unless for good cause shown, the court shall extend the time. The engineer shall file with his report a statement that he has consulted with the division of health, department of social services, in connection therewith, and he shall also file with his report any statement in writing which may have been made to him by said division of health, department of social services, covering the matters contained in such report.

**249.132. Extension of district boundaries, procedure—sanitary engineer appointed—report of findings.—1.** Whenever any sewer district shall have been organized as provided by sections 249.010 to 249.420, and it shall appear necessary, convenient or advisable to extend the boundaries of such district for the purpose of including therein a contiguous area which could be efficiently served by the sewer system of such district, or by reasonable modification, extensions or improvements thereof the boundaries of such district may be extended in the following manner; provided that such extension shall not include any territory within the boundaries of any other sewer district.

2. The trustees of such district may, and shall upon a petition therefor, signed by twenty-five or more persons residing within such district and owning property therein which is liable for assessment for the sewers constructed therein, file with the circuit court having jurisdiction of such district a petition setting forth the reason or necessity for extending the boundaries of such district; the boundary lines of the proposed extension and a request for the appointment of a sanitary engineer, with duties as herein provided, and a prayer for such further action as may be necessary to determine the question as to whether the boundaries of such district should be extended.

3. Upon the filing of such petition the said circuit court shall as soon as may be thereafter appoint a competent sanitary engineer, who shall possess the qualifications and shall subscribe the same oath as are now provided for the engineer appointed under the provisions of section 249.040.

4. Such engineer may alter or amend the boundaries of the proposed extension of the district as set forth in the petition so that such boundaries may

embrace all of the area capable of being efficiently served or drained by the system of sewers in such district or by reasonable modifications, extensions or improvements thereof, or so as to exclude any part of the area within the proposed extended boundaries which is so situated as not to be benefited by the sewer system of such district as changed or for the drainage of which the sewer system of such district is not or cannot be made efficiently and economically adequate. For this purpose the engineer shall have the power to make surveys and maps and do all things necessary to locate and describe such boundaries.

5. The engineer shall report whether or not he finds the proposed extension of such district will be for the preservation of the public health or public welfare or will be of public utility or benefit and in such report he shall state what changes, if any, will be required to be made in the sewer system within the boundaries of the district then existing and what extensions or additions will be necessary in the territory proposed to be annexed, and the probable cost thereof, in order to serve the territory within the proposed extended boundaries. The engineer shall file with his report a statement that he has consulted with the division of health, department of social services, in connection therewith, and he shall also file with his report any statement in writing which may have been made to him by said division of health, department of social service, covering the matters contained in such report.

6. The engineer shall within thirty days after his appointment, unless for good cause shown the court shall extend the time, report his findings in writing to the court with such maps, profiles, drawings or other data as are necessary to advise the court in the premises.

**249.690. Court defined.**—In any county in which the circuit court now consists or shall hereafter consist of more than one division, presided over by a circuit judge the word "court" as used in sections 249.670 to 249.700 shall mean the circuit judges of the court sitting as a court en banc and the decision of a majority of the circuit judges thereof shall be controlling with respect to the provisions of sections 249.670 to 249.700. In any county in which there are now or hereafter shall exist more than one district to which sections 249.670 to 249.700 are or shall become applicable, the governor shall appoint the same liquidator for all such districts in such county.

**260.210. Prohibited acts—search warrants to issue, when.**—1. It is unlawful for any person to:

(1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the surface of the ground or into streams, springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state except in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided, that this provision shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his own residential activities on property owned or lawfully occupied by him when such wastes do not thereby create a public nuisance or adversely affect the public health;

(2) Construct or alter a solid waste processing facility or solid waste disposal area of a solid waste management system without approval from the department;

(3) Conduct any solid waste burning operations in violation of the rules and regulations of the Missouri air conservation commission or the department;



(4) Except as otherwise provided store, collect, transport, process, or dispose of solid waste in violation of the rules, regulations or orders of the department or in such a manner as to create a public nuisance or adversely affect the public health; or

(5) Refuse entry or access, requested for purposes of inspecting solid waste processing facilities or solid waste disposal areas to an agent or employee of the department who presents appropriate credentials, or hinder the agent or employee in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to any such agent or employee for the purpose of enabling him to make such inspection.

2. No person shall be held responsible under the provisions of this section for the dumping or depositing of any solid waste on land owned or lawfully occupied by him without his express or implied consent, permission or knowledge.

**263.360. Seizure and condemnation of unlawful poisons or devices.—1.** (a) Any economic poison or device that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce, or between points within this state through any point outside this state, shall be liable to be proceeded against in any circuit court in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

(1) In the case of an economic poison

(a) If it is adulterated or misbranded;

(b) If it has not been registered under the provisions of section 263.300;

(c) If it fails to bear on its label the information required by sections 263.270 to 263.380;

(d) If it is a white powder economic poison and is not colored as required under sections 263.270 to 263.380.

(2) In the case of a device, if it is misbranded.

2. If the article is condemned, it shall, after entry of decree, be disposed of by destruction, or sale, as the court may direct, and the proceeds, if such article is sold, less legal costs, shall be paid to the state treasurer; provided, that the article shall not be sold contrary to the provisions of sections 263.270 to 263.380; and provided further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing, as the case may be.

3. When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

**266.091. Director of agriculture to enforce provisions and requirements—laboratory.—1.** The duty of enforcing sections 266.011 to 266.120 and carrying out its provisions and requirements shall be vested in the director of agriculture. It shall be the duty of such officer, who may act through his authorized agents:

(1) To sample, inspect, make analysis of, and test agricultural and vegetable seeds transported, sold or offered or exposed for sale within this state for seeding purposes, at such time and place and to such extent as he deems necessary to determine whether the agricultural or vegetable seeds are in compliance with the provisions of sections 266.011 to 266.120, and to notify promptly the person who transported, sold, offered or exposed the seed for sale, of any violation;

(2) To adopt after a public hearing, such reasonable rules and regulations

necessary to secure the efficient enforcement of sections 266.011 to 266.120, including the promulgation of definitions of terms relating to the enforcement of sections 266.011 to 266.120;

(3) All analyses, for the purpose of sections 266.011 to 266.120, shall follow the established rules and methods as practiced by the Association of Seed Analysts and recognized by the seed testing laboratories of the United States Department of Agriculture.

2. Further, for the purpose of carrying out the provisions of sections 266.011 to 266.120, the director of agriculture, individually, or through his authorized agents, is authorized:

(1) To enter upon any public or private premises during the regular business hours in order to have access to seeds subject to sections 266.011 to 266.120 and the rules and regulations thereunder;

(2) To issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which the director of agriculture finds is in violation of any of the provisions of sections 266.011 to 266.120, which order shall prohibit further sale of the seed until the officer has evidence that the law has been complied with and the owner or custodian shall have the right to take such steps as may be possible to bring the seed into compliance, such as recleaning, retesting, or relabeling. In respect to seed which have been denied sale as provided in this subdivision, the owner or custodian of such seeds shall have the right of appeal from the order to the circuit court of the county or city in which the seeds are found, praying for a judgment as to the justification of the order and for the discharge of the seed from the order prohibiting the sale in accordance with the findings of the court;

(3) To maintain a laboratory with necessary equipment within biennial appropriations, and is authorized to assign any of his employees without additional salary to aid in the administration of sections 266.011 to 266.120, and shall further be required to secure an analyst or analysts and other necessary employees and designate reasonable remuneration therefor, for the proper enforcement and carrying out of the provisions of sections 266.011 to 266.120. It shall be the duty of the director, within his discretion and appropriations, to publish or cause to be published the results of the examinations, analyses and tests of these samples of agricultural seed or mixture of such seed, drawn as provided for in sections 266.011 to 266.120, together with any other information the director may find advisable. If the director publishes the violations of any seedsman he shall publish the violations of all seedsmen over the same period of time;

(4) To cooperate with the United States Department of Agriculture in seed law enforcement.

**266.101. Seed subject to seizure, when—proceedings—disposition of condemned seed.**—Any lot of agricultural or vegetable seed found in the possession of a single owner or custodian and not in compliance with the provisions of sections 266.011 to 266.120 shall be subject to seizure upon complaint of the director of agriculture to the circuit court of the county or city in which such seed is located. Such seizure shall not be made until the owner or custodian of the seed has been given sixty days from the date of "stop-sale" order to bring the seed in compliance with the provisions of sections 266.011 to 266.120. In the event the court finds that the seed does not comply with sections 266.011 to 266.120, it shall order the condemnation thereof, and the seed shall be denatured, processed, destroyed, relabeled, or otherwise disposed of by the court provided, that either party may demand a trial by jury on any issue of fact joined in any such case.

and provided further, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel said seed to bring it into compliance with sections 266.011 to 266.120.

**266.111. Violations and prosecutions.**—1. Every violation of the provisions of sections 266.011 to 266.120 shall be deemed a misdemeanor.

2. When the director of agriculture shall find that any person has violated any of the provisions of sections 266.011 to 266.120, he or his duly authorized agent or agents may institute proceedings in the circuit court of the county or city in which the violation occurred, to have such person convicted therefor; or the director of agriculture may file with the attorney general with the view of prosecution, such evidence as may be deemed necessary. It shall be the duty of the prosecuting attorney or circuit attorney for the county or city in which the violation occurred, or the attorney general, as the case may be to institute proceedings at once against any person charged with a violation of sections 266.011 to 266.120 if, in the judgment of such officer, the information submitted warrants such action. After judgment by the court in any case arising under sections 266.011 to 266.120, the director of agriculture may publish the complete facts pertinent to the issuance of the judgment by the court in such manner as he may deem best.

**266.400. Violations may be enjoined.**—The director of agriculture of this state is hereby authorized to apply for, through the attorney general of this state, and the circuit courts of this state are hereby authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate sections 266.361 to 266.400, notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

**267.531. Seizure of cattle—notice—redemption—hearing, judicial review—sale, disposition of proceeds.**—1. Cattle which are held, moved or transported in violation of the provisions of sections 267.470 to 267.550, or the rules and regulations adopted hereunder, on order of the department of agriculture shall be seized and taken into custody by an authorized agent of the department of agriculture or by any state or county law enforcement officer at the request of the department. The order, together with a notice stating the reasons for the seizure and the rights of the owner under this section, shall be served upon the custodian at the time of seizure and copies thereof shall be mailed to the owner, if a person other than the custodian, by certified mail to his address as given by the custodian within twenty-four hours after the seizure. The department shall impound and hold all cattle seized and taken into custody at the owner's expense and without liability to the department. Any cattle so seized and impounded may be redeemed by the owner and released to him by the department, provided that all such animals shall have been tested for brucellosis and any reactors shall be tagged and branded or tagged as provided by law at the owner's expense. In order to redeem such cattle the owner shall pay all expenses including the care and feeding of such cattle and the expense of testing and branding. Any reactor cattle shall be consigned by the owner to slaughter upon redemption thereof.

2. Any person aggrieved by an order of seizure and impoundment may appeal therefrom by filing with the director of the department of agriculture a petition stating in detail his objections to the order, within five days after service or mailing of the order and notice. The director, or his authorized agent, within forty-eight hours of the filing of the appeal, shall hold a hearing to determine the validity of the order and shall either affirm the order or release the cattle. The

hearing shall be conducted and judicial review of the director's decision may be had in the manner provided by chapter 536, RSMo. If an order of seizure and impoundment is determined to be invalid, the expense of caring for the cattle and the cost of the proceedings shall be borne by the department of agriculture.

3. If the cattle are not redeemed by the owner, and if no appeal is taken within five days after service or mailing of the notice and order of seizure, the department may apply to the circuit court of any county in which the cattle are impounded and the department under court order shall sell the cattle for slaughter and deduct from the net proceeds thereof all expenses of the department in connection with the seizure and impoundment of the cattle and remit the balance to the owner.

**267.650. Animals impounded when, costs paid by owner—redemption.**—Live-stock, animals or birds which are held, moved or transported in violation of the provisions of sections 267.560 to 267.660, or the rules and regulations adopted hereunder shall be seized and taken into custody by an authorized agent of the department of agriculture or by any state or county law enforcement officer at the request of the department. The department shall impound and hold all animals or birds seized and taken into custody at the owner's expense and without liability to the department. Animals or birds so seized and impounded may be redeemed by the owner and released to him by the department only after all such animals or birds have been tested, vaccinated and properly identified, if infected, by the state veterinarian or his agent. In order to redeem the animals or birds, the owner shall pay all expenses including the care and feeding of such animals or birds and the expense of testing, vaccinating or identifying. All infected animals or birds shall be consigned by the owner to slaughter upon redemption. If the animals or birds are not redeemed by the owner within five days after seizure, the department may apply to the circuit court of any county in which the animals or birds are impounded and the department under court order shall sell such animals or birds for slaughter and deduct from the net proceeds thereof all expenses of the department in connection with the seizure and impoundment of such animals or birds and remit the balance to the owner.

**269.110. Suspension or revocation of licenses—procedure—right of appeal.**—

1. The state veterinarian shall have power to suspend for any fixed period or to revoke the license held by any licensee under this chapter, in the event such licensee has been finally convicted of violating the laws of this state or the United States in any manner affecting his conduct of said business; or in the event the division of health shall certify in writing to the state veterinarian that any particular disposal plant is a menace to the public health, stating the charges specifically and definitely, in which case the hearing herein provided for shall be held within thirty days after such charges of said board are so filed; provided, however, that before any license shall be suspended or revoked, the licensee shall be furnished with a written copy of the charges made against him and a hearing shall be had before the state veterinarian, or his authorized representative, at such time and place as he may fix, upon at least ten days' notice in writing to the licensee, to determine whether such license shall be suspended or revoked, which notice may be served either by registered mail, with return receipt, addressed to such licensee at the address shown in his application, or in the manner provided by law for the service of a summons. At the time and place fixed for the hearing, the licensee may appear in person and by counsel and such charges shall be deemed denied, without any answer thereto, unless the licensee desires to file an answer. The hearing shall be conducted in a summary manner, under

such procedure as the rules and regulations may prescribe and the state veterinarian or his representative, shall receive and hear all the evidence and arguments offered by both parties and shall afford the licensee full opportunity to present all defenses available to him.

2. When a hearing under this section is conducted before the state veterinarian, or his representative, a written report and summary of the evidence at such hearing shall be made by or to the state veterinarian, with his recommendations, and he shall make such order in the premises as he may deem just, either dismissing the proceedings, or suspending the license for any fixed period, or revoking the license, which order shall be entered on his records and written notice thereof shall be forthwith mailed by registered mail, with return receipt, to or served personally upon such licensee; and, provided, further, that any licensee affected adversely by any such decision and order of the state veterinarian may appeal therefrom to the circuit court of the county in which the violation of this chapter occurred by the licensee, by filing in such court, at any time within thirty days after the day on which such decision and order is entered of record a complaint to rehear such charges, which complaint shall name the state veterinarian as the sole defendant and shall be sufficient if it set out a copy of the charges and of any answer filed, upon which such hearing was conducted, and recite generally the conduct of such hearing and the decision and order made therein and pray for a new hearing and judgment by the court. The party appealing shall file at said time with the complaint, a bond, with such surety or sureties as the clerk of such court may approve, conditioned to pay all costs if such appeal be decided adversely to the appellant, and he shall also cause a summons to be issued and served upon such state veterinarian, as in other civil actions. Either the attorney general of the state, or the prosecuting attorney of said county, or both, upon notice from the defendant, shall appear for such state veterinarian and defend such appeal. A motion to dismiss said appeal may be filed by the defendant, if it be not perfected in time, but no further pleadings shall be required, and the allegations of such complaint shall be deemed denied. The appellant shall have the right to inspect and obtain copies of any of the proceedings, papers and records in the office of said state veterinarian or under his control, applicable to or affecting such hearing and appeal.

3. Such appeal shall be placed on the advance calendar and heard as soon as possible. The court shall hear and conduct said appeal de novo, as a civil action, upon all the issues; and either party shall be entitled to offer all competent evidence relevant thereto, and the court shall be governed in all other respects by the procedure and rules governing the trial of civil causes before circuit judges except that such appeal shall be tried and decided solely by the court, and either party may have a change of judge, but there shall be no change of venue from the county. The court shall make a general finding and render judgment thereon and shall have the power to reverse, affirm, or modify, in whole or in part, the decision and order appealed from, and a certified copy of such judgment, when final, shall be filed with said state veterinarian, who shall enter the same of record and in all things comply therewith. Either party to such proceedings may appeal from the decision and judgment of such court, as in other civil causes, and such appeal shall operate as a stay of such judgment until finally determined.

270.030. Appraisers may be appointed to assess damages.—If the owner of such stock so restrained and the taker-up, or the person damaged by such stock and the owner thereof, cannot agree upon the same, either party may apply to the circuit court of the county where said taker-up resides for the

appointment of three appraisers to assess the damages done, or reasonable compensation for the taking up, keeping and feeding such stock, and it shall be the duty of the court to issue a notice to three disinterested householders of the county to appear at such place in said county as he may designate, and assess the damages or compensation as herein required.

**271.050. Notice, how given—contents.**—The notice required in section 271.010 shall be given by setting up written or printed handbills in three of the most public places in the township in which the property is taken up, and by forwarding a copy of such notice to the county clerk at least thirty days before said property shall be posted, which notice shall contain a description of the animal, embracing size, color, age, sex, marks and brands, as the same appeared at the time of taking up, and shall further recite that if the owner does not claim and prove the same before the expiration of thirty days from the time of setting up said notices, the same will be posted before some associate circuit judge of the county.

**271.060. Duty of taker-up.**—If no person claim and prove said stray within the time limited in section 271.050, the taker-up shall go before some associate circuit judge of the county and file a copy of the notice given by him, as prescribed in section 271.050, and make affidavit that the animal or animals was or were taken up on his plantation or the plantation of another, as the case may be, and that the marks and brands have not to his knowledge been changed since the same was or were taken up; that he set up or caused to be set up three notices containing a description of the property in three public places in the township where the property was taken up, and also forwarded a copy of such notice to the county clerk thirty days previous to filing this affidavit, and that the notice herewith filed is a true copy of those set up and forwarded to the county clerk.

**271.070. Notice to be recorded—appraisers appointed.**—The associate circuit judge shall file said affidavit and notice in his office, and cause the notice to be recorded on his stray book, and shall appoint three disinterested householders to view and appraise the property taken up.

**272.030. Owners of stock liable for damages—stock may be taken up.**—If any horses, cattle or other stock shall break over or through any lawful fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises of another, the owner of such animal shall, for the first trespass, make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before a circuit or associate circuit judge, and for any subsequent trespass the party injured may put up said animal or animals and take good care of the same and immediately notify the owner, who shall pay to taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of such animals, before he shall be allowed to remove the same, and if the owner and taker-up cannot agree upon the amount of the damages and compensation, either party may institute an action in circuit court as in other civil cases. If the owner recover, he shall recover his costs and any damages he may have sustained, and the court shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and execution, he shall have a special execution against such animals to pay the judgment rendered, and costs.

**272.130. Judgment of associate circuit reviewed in same manner as other civil actions.**—Any person aggrieved by any order or judgment of the associate circuit judge made or entered under the provisions of sections 272.040, 272.070 and 272.090 may have the same reviewed in the same manner as other civil actions.

**277.080. Bond required—provisions and conditions, approval, where filed.**—

1. Every person subject to the provisions of this chapter shall, before receiving a license, provide a satisfactory bond in an amount designated by the state veterinarian, but in any event not less than two thousand dollars, payable to the state of Missouri for the use of any vendor of property sold at a sale held under the provisions of this chapter, the condition of the bond to be that the principal obligor in the bond shall truly and promptly pay over to each vendor the sale price of the property less the fair costs and commissions thereon.

2. The bond required in this section shall be approved by the circuit judge in whose district the licensee is licensed to operate and the court, in its discretion, may require either a surety company bond or a personal bond and a copy of the bond as approved by the court shall be made a matter of record in his court. The bond shall be filed with the state veterinarian prior to the issuance of any license.

**280.100. Confiscation and condemnation of unlawful products.**—Any treated timber or timber product being sold or offered for sale in Missouri in violation of the provisions of this chapter shall be liable to be proceeded against in any circuit court in any county of the state where it may be found and seized for confiscation by process of libel for condemnation, provided the offending person, company or corporation has had official warning from the director of agriculture or his authorized agent of this or previous violation.

**288.210. Judicial review of decisions of industrial commission.**—Within ten days after a decision of the commission has become final, the director or any other party aggrieved thereby may secure judicial review thereof by commencing an action in the circuit court of the county of claimant's residence or, in respect to those matters not involving a claimant or involving a claimant who is not a resident of this state, the circuit court of Cole county, against the commission for the review of such decision in which action any other party to or having been notified of the proceeding before the commission shall be made a defendant. Notwithstanding the foregoing, where judicial review is sought in respect to a decision involving more than one claimant, the action may be commenced in the circuit court of the county in which the interested employer has a place of business in which one or more of the claimants were employed. In any action for judicial review, the petition, which need not be verified but which shall state the grounds upon which a review is sought, shall be served upon a member of the commission or upon such persons as the commission may designate, and such service shall be deemed completed service on all parties, but there shall be left with the party served as many copies of the petition as there are defendants and the commission shall forthwith mail one such copy to each such defendant. Process may issue out of the court in which the action for judicial review is instituted and run to any county in the state for such purpose. The division shall be a necessary party to any judicial action involving any such decision and may be represented by any qualified attorney who may be employed or appointed by the director and designated by him for this purpose. With its answer, the commission shall certify and file with the court

a copy of the record in the case, including all documents, papers, and the transcript of the testimony taken in the matter, together with all findings, conclusions, and decisions therein. The commission may also, in its discretion, certify to such court questions of law involved in any decision. No such proceeding for judicial review shall fail, be dismissed or defaulted because of the failure of any party, other than the division, to answer or appear in response to the petition. In any judicial proceeding under this section, the findings of the commission as to the facts, if supported by competent and substantial evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner and after the hearing the court shall enter an order either affirming the decision of the commission or remanding the cause to the commission for further proceedings not inconsistent with the declarations of law made by the court. Such actions shall be given precedence over all other civil cases except cases arising under the workmen's compensation law of this state. All courts of this state shall take judicial notice of the rules and regulations adopted by the division. An appeal may be taken from the decision of the circuit court in the same manner but not inconsistent with the provisions of this law as is provided in civil cases. It shall not be necessary in any judicial proceeding under this section to enter exceptions to the rulings of the commission and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall proceed in a manner not inconsistent with the decision made. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

**296.050. Commission orders and decisions to be in writing—judicial review.**—1. All final decisions, findings, rules and orders of the commission shall be in writing. Parties to proceedings shall each be sent a copy of the commission's decision and order in the proceedings.

2. Any person who is aggrieved by any final decision, finding, rule or order of the commission may obtain judicial review by filing a petition in the circuit court of the county of proper venue within thirty days after the mailing or delivery of the notice of the commission's final decision.

3. Judicial review shall be in the manner provided by Chapter 536 RSMo, as the same may be amended or superseded from time to time. The venue of such cases shall, at the option of the appealing party, be in the circuit court of Cole county or in the county of the appealing party's residence, or if any appealing party is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office.

4. If no proceeding for review is instituted in the circuit court within the time herein prescribed, the commission may obtain an order of court for the enforcement of the commission's decision and order in a proceeding brought in the circuit court of the county wherein the unlawful employment practice which is the subject of the commission's order occurred, or the county wherein any person required in the order to cease and desist from an unlawful employment practice, or to take other affirmative action, resides or conducts his business. The record on the commission's petition for enforcement shall consist solely of duly certified records of the commission showing that it has jurisdiction over the respondent, that the procedure prescribed by this section has been complied with, and a certified copy of the commission's order with proof of service. On



such a petition, the inquiry of the court shall be limited to a determination of whether the action of the commission is in excess of its statutory authority or jurisdiction and whether the respondent has substantially complied with the order of the commission.

**300.565. Traffic violations bureau to keep records.**—The traffic violations bureau shall keep records and submit to the judges hearing violations of municipal ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

**300.575. Forms and records of traffic citations and arrests.**—1. The municipality shall provide books containing uniform traffic tickets as prescribed by supreme court rule no. 37.46. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by supreme court rule.

2. Such books shall be issued to the chief of police or his duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing municipal ordinance violation cases may require that a copy of such record and receipts be filed with the court.

3. The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

**300.580. Procedure of police officers.**—Except when authorized or directed under state law to immediately take a person before the municipal judge for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with supreme court rule no. 37.

**301.430. Report of convictions—record—revocation of registration.**—1. Clerks of all divisions of the circuit court presided over by associate circuit judges and circuit judges, within ten days after the conviction of any person of the violation of any provisions of any statute of this state providing for the registration or equipment of motor vehicles or regulating their operation on the state highways, shall report, in writing, the name and address of such person, his registration number, if known, and the penalty imposed; and all clerks of municipal divisions of the circuit court may, and on request of the director of revenue, shall report, in writing, to the director of revenue the names and addresses of persons convicted of the violation of the provisions of such statutes or of such ordinances, together with their registration numbers, if known, and the penalty imposed.

2. The director of revenue shall enter a record of the conviction and date thereof in a book opposite the name of the offender, if he be registered either as an owner or dealer, and in a separate book or list of offenders if he be not so registered.

3. If any such conviction shall be reversed upon appeal, the person whose

conviction has been reversed may serve on the director of revenue a certified copy of the order of reversal, whereupon the director of revenue shall enter a record of that fact in the proper book in connection with the record of such conviction.

4. When any person who is registered as a motor vehicle owner or dealer, is convicted three times within a period of one year of a violation of any of the provisions of this law, or of a city ordinance, if such convictions have been reported to the director of revenue, then the director of revenue may revoke such certificate of registration and shall give written notice of such revocation to the holder of such certificate, to the sheriff and prosecuting attorney of the county in which the offender resides, or if he lives in a city having a metropolitan police department, to the chief of police of such city, and the person whose certificate of registration is so revoked shall immediately surrender his certificate of registration to the director of revenue.

5. No certificate of registration under any of the provisions of this law shall be issued to a person whose certificate has been revoked for one year after the revocation of such certificate, except after hearing and good cause shown, the director of revenue is satisfied that it is proper to issue such certificate.

**302.010. Definitions.**—When used in this chapter the following words and phrases mean:

(1) "Chauffeur", an operator who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial motor vehicle of another person in the course of or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle;

(2) "Circuit court", each circuit court in the state;

(3) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers;

(4) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed under section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation under section 302.304;

(5) "Director", the director of revenue acting directly or through his authorized officers and agents;

(6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by any probate court of being a habitual drunkard or of unsound mind, or who has been adjudged by any court of record of being addicted to the use of narcotics;

(9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

(10) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license; or violations of sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

(11) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(12) "Nonresident", every person who is not a resident of this state;

(13) "Operator", every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway;

(14) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter;

(15) The term "school bus", when used in this chapter, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes.

**302.220. Prohibited uses of license.**—It shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any chauffeur's license or motor vehicle operator's license knowing the same to be fictitious or to have been canceled, suspended, revoked or altered, to lend to or knowingly permit the use of by another any chauffeur's license or motor vehicle operator's license issued to the person so lending or permitting the use thereof; to display or to represent as one's own any chauffeur's license or motor vehicle operator's license not issued to the person so displaying the same, or fail or refuse to surrender to the clerk of any division of the circuit court or the director, any chauffeur's license or motor vehicle operator's license which has been suspended, canceled or revoked, as provided by law; to use a false or fictitious name or give a false or fictitious address on any application for a chauffeur's license or a motor vehicle operator's license, or any renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of this chapter; to employ as a chauffeur of a motor vehicle, with knowledge that such person has not complied with the provisions of this chapter, or whose license as a chauffeur has been revoked, or suspended, during the period of such suspension, or who fails to produce his or her license upon demand of any person or persons authorized to make such demand.

**302.225. Surrender of license—record of convictions—revocation by city officials prohibited.**—1. Every court having jurisdiction over offenses committed under this chapter, or any other law of this state, or county or municipal ordinance, regulating the operation of vehicles on highways, shall, within ten days thereafter, forward to the director upon forms furnished by

the director a record of the conviction of any person in the court for a violation of this chapter or for any moving traffic violation under the laws of this state or county or municipal ordinances.

2. Whenever any person is convicted of any offense or series of offenses for which this chapter makes mandatory the suspension or revocation of the operator's or chauffeur's license of such person by the director, the circuit court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses, then held by the person so convicted, and the court shall within ten days thereafter forward the same, together with a record of the conviction, to the director.

3. No municipal judge or municipal official shall have power to revoke any operator's license or chauffeur's license.

**302.309. Return of license, when—limited hardship licenses, when granted.**

—1. Whenever any operator's or chauffeur's license is suspended under sections 302.302 to 302.309, the director of revenue shall return the license to the operator or chauffeur immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator or chauffeur whose license is revoked under these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts shall have jurisdiction to hear applications for hardship driving privileges, and such applications may be heard and determined by either circuit or associate circuit judges.

(2) When any court of record having jurisdiction finds that a chauffeur or operator is required to operate a motor vehicle in connection with his business, occupation or employment, the court may grant such limited driving privilege as the circumstances of the case justify if the court also finds undue hardship on the individual in earning a livelihood, and while so operating a motor vehicle within the restrictions and limitations of the court order the driver shall not be guilty of operating a motor vehicle without a valid driver's license.

(3) An operator or chauffeur may make application to the proper court in the county in which the operator or chauffeur resides or in the county in which is located his principal place of business or employment. Any application for a hardship driving privilege shall be accompanied by a copy of the applicant's driving record for the next preceding five years as certified by the director. Any application by an operator for a hardship driving privilege shall also be accompanied by proof of financial responsibility as required by chapter 303, RSMo. Any application by a chauffeur may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application the court in its discretion may grant the hardship driving privilege to the chauffeur solely for the purpose of operating a commercial vehicle whose owner has complied with chapter 303 for that vehicle, and the court's order must state such restriction. When operating a commercial vehicle under such restriction the chauffeur must carry proof that the owner has complied with chapter 303 for that vehicle.

(4) The court order granting the hardship driving privilege shall indicate the termination date of the order, which shall be not later than the end of the period of suspension or revocation. A copy of the order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by him whenever he operates a motor vehicle. A conviction which results in the assessment of points under the provisions of

section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle under the authority of a court order terminates the order, and the court in which the conviction occurs shall immediately so notify the driver, the director and the court which granted the order.

(5) No person is eligible to receive hardship driving privilege whose license has been suspended or revoked for the following reasons:

(a) Who has been convicted of any felony in the commission of which a motor vehicle was used or who has been convicted for the second time for violating the provisions of section 564.440, RSMo;

(b) Who at the time he applies for such hardship driving privilege would not be eligible for a chauffeur's or operator's license because of the provisions of subdivisions (1), (2), (4), (5), (6), (7) and (8) of section 302.060;

(c) Because of operating a motor vehicle under the influence of narcotic drugs, drugs as defined in section 195.220, RSMo, or having left the scene of an accident as provided in section 564.450, RSMo;

(d) Who at the time he applies for a hardship driving privilege has previously been granted such a privilege within the period of five years next preceding said application, or who has violated more than once the provisions of section 564.444, RSMo, in said five year period.

**311.480. Eating places, drinking or consumption of liquor on premises, license required, when—hours—regulations—penalties.—1.** It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in, on or about said premises between ten P.M. and six A.M. the following day, without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of liquor control on forms to be prescribed by him, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required herein. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor shall not be permitted in, upon or about the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 A.M. and 6:00 A.M. on any week day, and between the hours of twelve o'clock midnight Saturday and twelve o'clock midnight Sunday, or on the day of any general, special, or primary election in this state, or upon any county, township, city, town, or municipal election day during the hours the polls are legally open. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor between certain hours and on election day and Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor by the drink. In any incorporated city having a population of more than

twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee herein required, require a license not exceeding three hundred dollars per annum, payable to said incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Before any application for the license provided for in this section shall be approved, the supervisor of liquor control shall require of the applicant a bond to be given to the state in the sum of one thousand dollars, with sufficient surety, such bond to be approved by the supervisor of liquor control, conditioned that the applicant shall at all times observe the provisions of this chapter and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor by the drink and the regulations promulgated by him construing and enforcing the provisions of this section.

5. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance and it shall be the duty of the supervisor of liquor control and of the circuit attorney of the City of St. Louis, and the prosecuting attorney of the county in which the premises are located to seek to abate such nuisance.

6. Any person operating any premises, or any employee, agent, representative, partner or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, shall, upon conviction, be deemed guilty of a misdemeanor.

7. The supervisor of liquor control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

**311.780. List of complaints, revocations, suspensions to prosecuting attorneys—attorney general, when.—**1. The supervisor of liquor control shall, at least once each month, transmit a list of all complaints made to or by him against licensees for alleged violations of the liquor control law to the circuit attorney of the City of St. Louis and to the prosecuting attorney of every county in which said violations are alleged to have occurred, together with a list showing all revocations and suspensions of licenses within such county ordered by said supervisor of liquor control, together with a brief statement of the facts pertaining to each case, and it shall be the duty of the supervisor of liquor control at the time of transmitting each such list and statement to transmit to the attorney general a duplicate thereof for the information of the attorney general in carrying out and enforcing the provisions of the liquor control law.

2. It shall be the duty of the circuit attorney of the City of St. Louis and

the prosecuting attorney of every county to transmit to the supervisor of liquor control, at least once to every three months, a written report of the action, if any, taken by such circuit or prosecuting attorney on each complaint contained on the lists so transmitted to him.

**311.810. Search warrants, how issued—search and seizure—procedure—arrests—disposition of perishable products.**—1. The attorney general of the state of Missouri at the direction of the governor, or the prosecuting attorney of any county, or the supervisor of liquor control, or any assistant deputy or inspector appointed by the supervisor of liquor control, is hereby empowered to file in the circuit court an application for a search warrant, which application shall be presented to a circuit or associate circuit judge and shall be by petition setting forth substantially the facts upon which the same is based, describing the place to be searched and the thing or things to be seized as nearly as may be, which petition shall be verified by the oath of the officer filing the same.

2. If it shall appear to the satisfaction of the court in which said petition is filed, either from the facts set forth in said petition, if supported by the affidavit of a competent witness to the facts set forth therein, or from evidence heard thereon, that there is probable cause to believe that intoxicating liquor is being unlawfully manufactured, sold, stored or kept in any building, structure, motor vehicle or other conveyance, or at any place described in said petition, within said county or transported, as by the law of this state defined, contrary to the provisions of any such law, or that thereat or therein is being used or kept any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof used or fit for use in the unlawful manufacture or production of intoxicating liquor, it shall be the duty of such court to issue or cause to be issued a search warrant thereon, directed to the sheriff or other officer authorized by law to serve such process in this state, which search warrant shall substantially recite the facts set forth in said petition, and it shall thereupon be the duty of the officer executing such search warrant forthwith to enter any such building, structure, place, motor vehicle or other conveyance, either in the daytime or nighttime, by force if necessary, and to remove therefrom any intoxicating liquor, malt, mash and all grain, grain products, fruit or fruit products found therein or thereat which have reached such a stage of fermentation as to be unfit for any use save in the unlawful manufacture of intoxicating liquor; and to seize and remove therefrom any intoxicating liquor, still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof, used or fit for use in the unlawful manufacture of intoxicating liquor, and all grain, grain products, sugar sirup, hops, raisins and other fruit or fruit products used or fit for use in the unlawful manufacture of intoxicating liquor, which have not so fermented as to be useless for any other purpose than in the manufacture or production of intoxicating liquor, and to hold such property until all prosecutions arising out of said search and seizure shall be ended and determined. All intoxicating liquor unlawfully manufactured, stored, kept, sold, transported or otherwise disposed of, and the containers thereof and all equipment used or fit for use in the manufacture or production of the same, including all grain or other materials used, in the unlawful manufacture of intoxicating liquor, and which are found at or about any still or outfit for the unlawful making or manufacture of intoxicating liquor, are hereby declared contraband, and no right of property shall be or exist in any person or persons, firm, or corporation owning, furnishing or possessing any such property, liquor, material or equipment; but all such intoxicating liquors, property, articles and things, shall be sold upon an order of the court and in the man-

ner provided in this chapter and the proceeds thereof shall be applied on the payment of any fine and costs lawfully assessed against any person or persons convicted of the unlawful manufacture, production, transportation, sale, gift, storing, or possession of intoxicating liquor, or for any other unlawful disposition thereof in any such building, structure, motor vehicle or other conveyance, at any such place or on the premises thereof, or applied on the payment of any fine or costs of any person so convicted of keeping therein or thereat any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof used or fit for use in the unlawful manufacture or production of intoxicating liquor, contrary to the provisions of this chapter, and all such property shall likewise be liable for the costs of making any search and seizure in case no person or persons shall be found in charge or control of any such property or claiming the same; provided, that all persons engaged in the work of unlawfully manufacturing intoxicating liquors in any building, structure, motor vehicle or other conveyance, or at any place as defined in this chapter, or of keeping, storing or selling intoxicating liquor in violation of this law or of any of the laws of this state, or assisting in any way in such unlawful manufacture, production, keeping, storing, selling or transporting same, and all persons in possession or control, whether owners or not, of any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment used or fit for use in the unlawful manufacture or production of intoxicating liquor, or in possession or control of any grain, grain products, sirup, sugar, hops, raisins, or other fruit or fruit products, being used in the unlawful manufacture or unlawful production of intoxicating liquor, shall be deemed equally guilty of a violation of this law; provided further, that nothing in this chapter shall be so construed as to prevent any officer whose duty it is to make arrests from arresting, with or without warrant, any person or persons found violating any of the provisions of this law or from seizing or holding, as the case may be, any of the intoxicating liquor so found, including any liquor in process of fermentation or distillation, or any of the equipment, articles or materials, being in use or fit for use, in the process of unlawfully manufacturing intoxicating liquor as herein specified; but it is hereby expressly made the duty of the sheriffs and their deputies within their respective counties, and of marshals, chiefs of police and policemen in cities, towns and villages, and of all other officials whose duty it is or shall be to make arrests, to diligently suppress any violation of this law, and to this end such officers are hereby authorized and directed to arrest with or without a warrant, any person or persons found violating any such provisions; and if arrested without a warrant, then such officer shall immediately report the same to the prosecuting attorney of the county, and file the necessary complaint thereon. It shall be equally the duty of any officer to seize and hold without first obtaining a search warrant, any intoxicating liquor, still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof, which he may find in use or fit for use in the unlawful manufacture of intoxicating liquor and to report same immediately to the prosecuting attorney of the county in which such liquor, articles and equipment may be found; provided further, that any officer executing a search warrant as provided in this chapter shall forthwith make his return thereon to the court issuing said search warrant of the manner and date of his execution thereof, showing what if anything, was seized and held by such search, together with the name of the owner or owners, if known, of the things seized, and if not known, then the name or names of the person or persons appearing to be in charge or control thereof, and shall attach to said return as a part thereof an accurate list or inventory of the article and things so seized and in case of the seizure of any such articles, things



or equipment, or intoxicating liquor which said officer may have found in use or fit for use without the aid of a search warrant as herein provided, he shall immediately file a list of the things so seized with the prosecuting attorney of the county in which the same were found, and shall hold the things so seized for disposition in accordance with the provisions of this law; and provided further, that all such articles, products and things declared in this section to be contraband, and which shall be seized by any officer and which shall be of such perishable nature as not to be susceptible of preservation until the determination of any prosecution arising out of such seizure, shall be sold or otherwise disposed of as provided in this chapter by an order of the court issuing such search warrant, and the proceeds of such sale shall be held and applied as in this law providing.

**311.840. Action to forfeit seized liquor as contraband—notice—intervention—judgment—appeal—sale of forfeited liquor—liability of officers—prosecutor's duties.**—1. Whenever any intoxicating liquor or other property having a value of more than fifty dollars is seized as contraband under any section of the liquor control law, the officer seizing such property, or the supervisor of liquor control, if the seizure is made by one of his agents, shall commence an action in the circuit court of the county in which such property is seized by filing a petition in the office of the clerk of said court in the name of the state of Missouri as plaintiff against the person from whom the property was seized as defendant, and there shall be a rebuttable presumption that said property is the property of the defendant from whom it was seized. Said petition shall describe the property seized and the circumstances of the seizure and shall pray the court to make an order, declaring said liquor or other property to be contraband and directing said seizing officer or the supervisor of liquor control, if the seizure was made by the supervisor or one of his agents, to sell said property at public or private sale, subject to the approval of the said circuit court. A summons shall be issued and process served on the defendant as in other civil suits. The defendant shall file his answer within thirty days after service of process upon him, whether such service is personal service, service by mail, or service by publication. After defendant's time for filing answer has expired, the court shall fix a day for hearing and said action shall be heard by the court without a jury and shall be conducted, except as otherwise in this chapter provided, as other cases under the code of civil procedure of the state of Missouri.

2. However, in addition to any other process provided by the civil code, the clerk of the circuit court shall cause to be published one time in some newspaper having a general circulation in the county where the action is pending, or if there be no newspaper of general circulation in the county, then in some newspaper of an adjoining county, a notice to all persons whom it may concern that said petition has been filed in said court, briefly describing the property seized, the time and circumstances of the seizure, the person from whom seized, and stating that any person claiming any interest in the property may, upon his own request be made a party to the action and assert any claim he may have thereto within thirty days after publication of said notice.

3. Any person claiming any interest in said property may intervene in said action within thirty days after the publication of said notice, setting forth any claim he may have to said property.

4. The court shall render such judgment as to it shall seem meet and just, and if it shall appear that any person who has made claim to said property is the owner thereof and was ignorant of the illegal use thereof and such illegal use was without his connivance or consent, express or implied, or if the court shall

find that said property was not being illegally used at the time of seizure, the court shall relieve said property from forfeiture and restore it to the rightful owner, or if it shall appear that the claimant is the holder of a bona fide lien against the property, and that he was ignorant of the illegal use thereof and that such use was without his connivance or consent, express or implied, the court shall, first, if the lien so established is equal to or more than the value of the property, order said property to be delivered to the lienor. Or, if the property is valued at more than the established lien and all costs of proceedings and sale, an order shall be made for the sale of said property by the seizing officer or by the supervisor of liquor control, if the seizure was made by him or one of his agents, at public or private sale, subject to the approval of the court, and out of the proceeds of such sale shall be paid: Storage, if any, the lien, the cost of the proceedings, and the residue, if any, shall be paid into the general revenue fund of the state of Missouri. If it shall be determined that no person, other than the defendant, has any interest in said property or that the person or persons having any interest in said property knew of or connived or gave consent, express or implied, to the illegal use thereof, and if it shall be found by the court that said property was, at the time it was seized, being illegally used and was contraband, as declared by any section of the liquor control law of the state of Missouri, the said property shall be declared to be forfeited to the state of Missouri, and the court shall order the officer who seized said property or the supervisor of liquor control, if the property was seized by one of his agents, to sell said property at public or private sale, subject to the approval of the court, and out of the proceeds of said sale shall be paid: The cost of storage, if any, cost of the proceedings of the case and the balance thereof shall be paid into the general revenue fund of the state of Missouri.

5. Appeals shall be allowed from the judgment of the circuit court as in other civil actions.

6. Whenever any liquor is sold under the provisions of this section, the officer selling it shall procure the proper excise stamps from the director of revenue and attach them to the container thereof, unless such liquor is already properly stamped, and he shall be reimbursed for the cost of said stamps out of the proceeds of the sale.

7. Under no circumstances shall the officer commencing said action on behalf of the state be liable for any costs or storage.

8. The supervisor of liquor control and his agents and any other officer authorized to make seizures of contraband under the liquor control law are each hereby authorized and empowered to call upon the prosecuting attorneys of the respective counties and the circuit attorney of the city of St. Louis and the attorney general of the state of Missouri to represent them in any proceeding hereunder, and thereafter it shall be the duty of such prosecuting or circuit attorney or the attorney general to proceed on behalf of the officer making such call according to the provisions of this chapter.

**312.340. Attorney General may direct officials to conduct prosecutions—duties of supervisor of liquor control.**—1. Whenever requested to carry out any of the duties as required by the laws relating to the manufacturing, transportation, sale and inspection of nonintoxicating beer the attorney general may, in his discretion, direct the circuit attorney of the City of St. Louis or the prosecuting attorney of any county in which any violation of the laws relating to the manufacturing, transportation, sale and inspection of nonintoxicating beer shall have been violated to conduct prosecutions and institute suits as required by the laws pertaining thereto.

2. The supervisor of liquor control shall, at least once each month, transmit a list of all complaints made to or by him against licenses for alleged violations of the laws of this state relating to the manufacturing, transportation, sale and inspection of nonintoxicating beer, to the circuit attorney of the City of St. Louis and to the prosecuting attorney of every county in which said violations are alleged to have occurred, together with a list showing all revocations and suspensions of licenses within such county ordered by the supervisor of liquor control, together with a brief statement of the facts pertaining to each case, and it shall be the duty of the supervisor of liquor control at the time of transmitting each such list and statement to transmit to the attorney general a duplicate thereof for the information of the attorney general in carrying out and enforcing the provisions of the laws relating to the manufacturing, transportation, sale and inspection of nonintoxicating beer.

3. It shall be the duty of the circuit attorney of the City of St. Louis and the prosecuting attorney of every county to transmit to the supervisor of liquor control, at least once in every three months, a written report of the action, if any, taken by such circuit or prosecuting attorney on each complaint contained on the list so transmitted to him.

**314.070. Decisions and orders to be in writing, copies to parties—judicial review—enforcement of commission's order.—1.** All final decisions, findings, rules and orders of the commission shall be in writing. Parties to proceedings shall each be sent a copy of the commission's decision and order in the proceedings.

2. Any person who is aggrieved by a final decision, finding, rule or order of the commission may obtain judicial review by filing a petition in the circuit court of the county or proper venue within thirty days after mailing or delivery of the notice of the commission's final decision.

3. Judicial review shall be in the manner provided by chapter 536, RSMo, as it may be amended or superseded from time to time. The venue of such cases shall, at the option of the appealing party, be in the circuit court of Cole county or in the county of the appealing party's residence, or if the appealing party is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of its registered office or business office.

4. If no proceeding for review is instituted in the circuit court within the time herein prescribed, the commission may obtain an order in a proceeding brought in the circuit court of the county wherein the unlawful discriminatory practice which is the subject of the commission's order occurred, or the county wherein any person required in the order to cease and desist from an unlawful discriminatory practice, or to take other affirmative action, resides or conducts his business. The record on the commission's petition for enforcement shall consist solely of duly certified records of the commission showing that it has jurisdiction over the respondent, that the procedure prescribed by this action has been complied with, and a certified copy of the commission's order with proof of service. On such a petition, the inquiry of the court shall be limited to a determination of whether the action of the commission is in excess of its statutory authority or jurisdiction and whether the respondent has substantially complied with the order of the commission.

**321.020. Circuit court may establish districts.—**The circuit court sitting in and for any county of this state may, as provided in this chapter, establish fire protection districts.

**336.110. Board of Optometry may refuse to issue, or may suspend or revoke certificate—notice—may require production of records.—1.** The state board of op-

tometry may either refuse to issue, or may refuse to renew, or may suspend, or may revoke any certificate of registration for any one, or any combination, of the following causes:

(1) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;

(2) The obtaining of or an attempt to obtain, a certificate of registration or practice in the profession or money or any other thing of value by fraudulent misrepresentation;

(3) Malpractice;

(4) Continued practice by a person knowingly having an infectious or contagious disease;

(5) Advertising by means of knowingly false or deceptive statements;

(6) Advertising, practicing or attempting to practice under a name other than one's own;

(7) Advertising, directly or indirectly, prices or terms for optometric services;

(8) Gross ignorance, gross inefficiency, or dishonorable conduct in optometric practice. Dishonorable conduct in optometric practice shall include, but shall not be limited to, employing what is known as procurers to obtain business; and the obtaining of any fee by fraud or misrepresentation;

(9) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

2. The state board of optometry may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke, any certificate of registration, however, for any of these causes, unless the person accused has been given at least twenty days' notice in writing of the charge against him and a public hearing by the state board of optometry. Upon the hearing of any such proceeding, the state board of optometry may administer oaths, and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers. Any circuit court upon application either of the accused or of the state board of optometry may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the state board of optometry in any hearing relating to the refusal to issue, refusal to renew, suspension or revocation of certificate of registration. Upon refusal or neglect to obey the order of the court, the court may compel, by proceedings for contempt of court, obedience of its order.

**343.160. Sales of property, when free of duty.**—Sales of property at auction shall be free of duty in the following cases:

(1) When directed by any statute of this state or of the United States;

(2) In executing any order, judgment or decree of any court of this state or any court of the United States, in case of bankruptcy or insolvency, pursuant to any law of this state or of the United States;

(3) When sold by any trustee in conformity to a deed of trust to secure the payment of debts;

(4) Property of deceased persons sold by authority of executors or administrators;

(5) Boats, vessels, rafts, lumber and other property wrecked, stranded or found adrift in any of the waters of or adjoining this state;

(6) Livestock, agricultural productions, farming utensils and household and kitchen furniture sold in the county of the owner's residence;

(7) Land or leasehold interest therein;

(8) Each licensed merchant shall have the privilege of selling off, at auction, at the end of every twelve months after the commencement of his business, any

refused stock of goods which he may have had on hand for six months preceding; without obtaining an auctioneer's license for that purpose.

**361.340. Circumstances under which possession by director may terminate.**—When the director shall have duly taken possession of such corporation, under any provision of this chapter, he may hold such possession until its affairs are finally liquidated by him, unless

(1) He shall have permitted such corporation to resume business pursuant to the provisions of section 361.370;

(2) The director shall have been directed by order of court to surrender such possession, pursuant to the provisions of section 361.360;

(3) The director shall have appointed the Federal Deposit Insurance Corporation as the liquidating agent of a bank insured thereby and the Federal Deposit Insurance Corporation shall have accepted the appointment subject to approval of the circuit court in the judicial district in which the principal office of such corporation is located, pursuant to the provisions of section 361.365;

(4) The stockholders of such corporation, at a meeting called by the director pursuant to the provisions of section 361.580, shall have duly determined to appoint and shall have appointed an agent or agents to continue the liquidation of such corporation, and such agent or agents shall have qualified to take possession of its remaining assets as provided in section 361.600;

(5) The depositors and other creditors of such corporation and the expenses of such liquidation shall have been paid in full.

**361.360. Manner and time within which action of director in taking possession may be tested.**—At any time within ten days after the director has taken possession of the property and business of any such corporation, such corporation, with the approval of its board of directors, may apply to the circuit court in the judicial district in which the principal office of such corporation is located, for an order requiring the director to show cause why he should not be enjoined from continuing such possession. The court may, upon good cause shown, direct the director to refrain from further proceedings and to surrender such possession.

**361.390. Liquidation—special deputy may be appointed.**—1. The director may, by certificate, under his hand and official seal, appoint one or more special deputy directors as agent or agents to assist him in liquidating the business and affairs of any corporation in his possession.

2. The director shall file such certificate in his office and shall cause a certified copy thereof to be filed in the office of the recorder of the county or city in which the principal office of such corporation is located.

3. He may, from time to time, delegate such special deputy director to perform such duties connected with such liquidation as he may deem proper. He may employ such expert assistants and counsel and may retain such of the officers or employees of such corporation as he may deem necessary in the liquidation and distribution of the assets of such corporation.

4. He shall require such security as he may deem proper from his agents and assistants appointed pursuant to the provisions of this section.

5. The director may appoint a bank or trust company as such special deputy director and any bank or trust company receiving and accepting any such appointment shall be fully authorized and empowered to do any and all acts and things which the director may deem necessary and advisable in liquidating the business and affairs of the corporation in his possession; provided, however, that no salaries or attorney fees shall be paid unless approved by the circuit court,

which circuit court may refuse to approve any salaries or attorney fees that he may deem exorbitant, and set a less fee or salary, which less fee or salary shall be amount paid.

**361.410. Expenses of liquidation, how paid.**—1. The director shall pay out of the funds in his hands, of such corporation, all expenses of liquidation, subject to the approval of the circuit court in the county or city in which the principal office of such corporation is located, and upon notice of the application for such approval to such corporation.

2. He shall, in like manner, fix and pay the compensation of special deputy directors, assistants, counsel and other employees appointed to assist him in such liquidation pursuant to the provisions of this chapter. But a special deputy who, as examiner acting under commission from the director, has previously examined the books, papers and affairs of such corporation, shall not receive compensation as such special deputy which exceeds by more than five dollars a day the per diem compensation received by him as examiner at the time of making such examination.

**361.450. Disposition by director of property held by delinquent as bailee or depositary for hire.**—1. The director may, after he has taken possession of any such corporation, cause to be mailed to all persons claiming to be, or appearing upon the books of such corporation to be, the owner or owners of any personal property theretofore left in the possession of such corporation as bailee or depositary for hire, or the lessee of any safe, vault or box, a notice in writing in a securely closed, postpaid, registered letter directed to each of such persons at his post office address as recorded upon its books, or, if his name is not recorded in said books, at his last known post office address, notifying such person to remove all such personal property within a period stated in said notice, and not less than sixty days from the date thereof.

2. If such property shall not have been removed within the time fixed by such notice, the director may apply to the circuit court of the county or city in which such property is located for an order directing him as to the disposition of such property; and he may cause any safe, vault or box held by, or on the premises of, such corporation to be thereafter opened in his presence or in the presence of one of the special deputy directors, and of a notary public, not an officer or in the employ of the corporation or of the director, and the contents, if any, to be sealed and distinctly marked by such notary public, with the name and address of the person in whose name such safe, vault or box stands upon the books of the corporation, and a list and description of the property therein to be attached thereto. Such package so sealed and addressed together with the list and description of the property therein may be kept by director in one of the general safes or boxes of the corporation until delivered to the person whose name appears thereon or until otherwise disposed of as directed by the court.

**361.470. Liquidation and conservation of assets—compounding debts and compromising certain claims.**—The director is authorized, upon taking possession of the property and business of such corporation, to liquidate the affairs thereof and to do all acts and to make such expenditures as in his judgment are necessary to conserve its assets and business. He shall proceed to collect the debts due. He may, upon an order of the circuit court, sell or compound all bad or doubtful debts held by, and compromise claims against such corporation, other than deposit claims and, upon such terms as the court shall direct, may sell or otherwise dispose of all or any of the real and personal property of such corporation. In case any of the real property so sold is located in a county or city other

than the county or city in which the application to the court for leave to sell the same is made, the director shall cause a certified copy of said order and the application therefor to be filed in the office of the recorder of the county or city in which such real property is located.

**361.480. Director may borrow on assets of closed corporation.**—1. The director of finance, deputy commissioner of finance, liquidating agent, receiver or other person or persons lawfully in charge of the property and business of any closed bank or trust company is authorized, upon the order of the circuit court in and for the county in which the principal office of the bank or trust company is located to borrow money in the name of the delinquent corporations and to issue evidences of indebtedness therefor and to renew the indebtedness and to secure the repayment of the same by the mortgage, pledge, transfer in trust and/or hypothecation of any or all of the property of the bank or trust company, whether real, personal or mixed, superior to any charge thereon for expenses of liquidation, as provided in section 361.410.

2. These loans may be obtained and used for the purposes of facilitating liquidation, protecting or preserving the assets in his charge, expediting the making of distributions to depositors and other creditors, providing for the expenses of administration and liquidation or aiding in the reopening or reorganization of the bank or trust company, or its merger or consolidation with another bank or trust company, or the sale of all or any part of its assets.

3. The director of finance, deputy director of finance, liquidating agent, receiver or other person or persons lawfully in charge of the property and business of the bank or trust company shall be under no personal obligation to repay any loans so made and shall have power to take any and all actions necessary or proper to consummate the loan and to provide for the repayment thereof and to give bond, when required, for the faithful performance of all undertakings in connection therewith.

4. The director of finance, deputy director of finance, liquidating agent, receiver or other person or persons in charge of the property and business of the bank or trust company shall make application to the circuit court for approval of the loan and the giving of security therefor. Notice of the applications shall be given by publication once each week for two consecutive weeks in each case, upon any week day of the week, in a newspaper of general circulation in the county. Hearing on the application shall be had not less than ten days after the first publication of the notice. At the hearing upon the application any stockholder, depositor or other creditor of the bank or trust company shall have the right to appear and be heard thereon. Prior to the obtaining of the court order the director of finance, deputy director of finance, liquidating agent, receiver or other person or persons lawfully in charge of the property and business of the bank or trust company may make application or negotiate for the loan or loans subject to the obtaining of the court order.

**361.500. Director's power to sue, execute instruments for delinquents—actions and proceedings preferred.**—For the purpose of executing any of the powers and performing any of the duties hereby conferred upon him, the director may, in the name of the delinquent corporation, prosecute and defend any and all actions and legal proceedings. Any such action or proceeding, upon application of the director, shall be entitled to the same preference to which an action or proceeding by or against a receiver appointed by the court is entitled in any court of the state. He may, in the name of the delinquent corporation, execute, acknowledge and deliver any and all deeds, assignments, bills of sale, releases, extensions, satis-

factions and other instruments necessary and proper to effectuate any sale, lease or transfer of real or personal property or to carry into effect any power conferred or duty imposed upon him by this chapter or by order of the circuit court. Any instrument executed pursuant to the authority hereby given shall be as valid and effectual, for all purposes, as though the same had been executed by the officers of the delinquent corporation by authority of its board of directors.

**361.530. Objections to claims—procedure.**—1. Within thirty days after the last date fixed in said notice to creditors to present and make proof of claims, objections to any claim duly presented may be made by any party interested, by filing with the director such objections in writing, signed by the objector and duly verified.

2. Unless the director rejects any claim to which objections have been duly filed with him, he shall, within thirty days after the time to file such objections has expired, apply to the circuit court upon notice to the objector for an order directing the director as to the disposition of said claim.

3. The court may thereupon dispose of said objections or may order a reference for that purpose.

**361.570. Dividends to creditors—priorities—disposition of unclaimed dividends.**—1. At any time after the date fixed by the director for the presentation of claims, the circuit court may by order authorize the director upon his application to declare out of the funds remaining in his hands after the payment of expenses, one or more dividends.

2. Such order shall specify what claims, if any, are entitled to priority of payment, and shall direct the director regarding the manner of payment of such prior claims. At any time after the expiration of eight months from said date fixed for the presentation of such claims, he may by like order declare a final dividend.

3. Such dividends shall be paid to such persons, in such amounts, and upon such notice, as the circuit court in the county or city in which the principal office of such corporation is located may by order direct.

4. Dividends remaining unclaimed or unpaid in the hands of the director for six months after the order for final distribution shall be deposited by him as provided in section 361.200.

**362.118. Trust company may become state bank—procedure.**—1. Any trust company may become a state bank with all the powers and subject to all the obligations and duties of state banks organized under the provisions of this chapter.

2. A trust company desiring to become a state bank shall proceed in the following manner:

(1) It shall call a meeting of its stockholders and shall give notice thereof as provided in section 362.044.

(2) At the meeting so called the stockholders of the trust company may by a vote of at least two-thirds of its entire capital stock issued, outstanding and entitled to vote, direct that the trust company shall be transformed into a state bank. In the event that such action is taken by the prescribed vote, a resolution shall be adopted fixing a future date certain upon which the trust company shall be transformed into a state bank and directing that not less than five, and not more than thirty, of the stockholders of the trust company, who shall be designated by name in the resolution, proceed with the organization of the state bank.

(3) The designated stockholders shall proceed in all respects as provided by law for other individuals in incorporating state banks, except that the articles of



agreement may provide that instead of the capital stock being paid up in lawful money the same may be paid up by an assignment of so much of the assets of the trust company about to dissolve as may be necessary to pay up the capital stock of the state bank, the assignment to take effect on the aforesaid future date certain, and the director may allow the assignment to be accepted instead of cash, if the incorporators shall have certified in the articles of agreement that the net value of the assigned assets is equal to at least the full amount of the capital stock of the proposed state bank, and the director, as the result of an examination by himself, his deputies, or his examiners, is satisfied that the assets are of such value.

(4) No such trust company shall be permitted to become a state bank unless it shall, on or prior to the future date certain named in the above mentioned resolution, have caused a successor trustee, or successor trustees, to be appointed by the circuit court having jurisdiction, and shall have made settlement with the successor trustee, or successor trustees, and the settlement has been approved by the circuit court in all trust matters which by the nature thereof may be turned over to the successor trustee, or successor trustees, and shall have given such security, or made such provision, for discharging all liabilities including all contingent and undisclosed liabilities, if any, of the trust company, as may be required by the state commissioner of finance.

**362.600. Reciprocal corporate fiduciary powers—certificates of reciprocity.—**

1. The term "foreign corporation", as used in this section, shall mean (1) any bank or other corporation now or hereafter organized under the laws of any state of the United States, which state adjoins or next adjoins the state of Missouri, and (2) any national banking association having its principal place of business in any state of the United States, which state adjoins or next adjoins the state of Missouri.

2. Any foreign corporation may act in this state as trustee, executor, administrator, guardian, or in any other like fiduciary capacity, without the necessity of complying with any law of this state relating to the licensing of foreign banking corporations by the director of finance or relating to the qualifications of foreign corporations to do business in this state, and notwithstanding any prohibition, limitation or restriction contained in any other law of this state, provided only that

(1) The foreign corporation is authorized to act in this fiduciary capacity or capacities in the state in which it is incorporated, or, if the foreign corporation be a national banking association, in which it has its principal place of business; and

(2) Any bank or other corporation organized under the laws of this state or a national banking association having its principal place of business in this state may act in these fiduciary capacities in that state without further showing or qualification, other than that it is authorized to act in these fiduciary capacities in this state and compliance with any law of that state concerning service of process

(a) Which may require the appointment of an official or other person for the receipt of process, or

(b) Which contains provisions to the effect that any bank or other corporation, which is not incorporated under the laws of that state, or if a national bank then which does not have its principal place of business in that state, acting in that state in a fiduciary capacity pursuant to provisions of law making it eligible to do so, shall be deemed to have appointed an official of that state to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter

in respect of which the corporation has acted or is acting in that state in this fiduciary capacity, and that the acceptance of or engagement in that state in any acts in this fiduciary capacity shall be signification of its agreement that the process against it, which is so served, shall be of the same legal force and validity as though served upon it personally, or which contains any substantially similar provisions.

Any foreign corporation eligible to act in any fiduciary capacity in this state pursuant to the provisions of this section may so act whether or not a resident of this state be acting with it in this capacity, may use its corporate name in connection with such activity in this state, and may be appointed to act in this fiduciary capacity by any court having jurisdiction in the premises, all notwithstanding any provision of law to the contrary. Nothing in this section contained shall be construed to prohibit or make unlawful any activity in this state by a bank or other corporation which is not incorporated under the laws of this state, or if a national bank then which does not have its principal place of business in this state, which would be lawful in the absence of this section.

3. Prior to the time when any foreign corporation acts pursuant to the authority of this section in any fiduciary capacity or capacities in this state, the foreign corporation shall file with the director of finance a written application for a certificate of reciprocity and the director of finance shall issue the certificate to the foreign corporation. The application shall state

- (1) The correct corporate name of the foreign corporation;
- (2) The name of the state under the laws of which it is incorporated, or if the foreign corporation is a national banking association shall state that fact;
- (3) The address of its principal business office;
- (4) In what fiduciary capacity or capacities it desires to act, in the state of Missouri;

(5) That it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated, or, if it is a national banking association, in which it has its principal place of business;

(6) That the application shall constitute the irrevocable appointment of the director of finance of Missouri as its true and lawful attorney to receive service of all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the foreign corporation may act in this state in the fiduciary capacity pursuant to the certificate of reciprocity applied for.

The application shall be verified by an officer of the foreign corporation, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that the foreign corporation is authorized to act in a fiduciary capacity or capacities similar to those in which it desires to act in the state of Missouri, in the state in which it is incorporated, or, if it is a national banking association in which it has its principal place of business. The director of finance shall, thereupon, if the foreign corporation is one which may act in the fiduciary capacity or capacities as provided in subsection 2, issue to the corporation a certificate of reciprocity, retaining a duplicate thereof together with the application and accompanying documents in his office. The certificate of reciprocity shall recite and certify that the foreign corporation is eligible to act in this state pursuant to this section and shall recite the fiduciary capacity or capacities in which the foreign corporation is eligible so to act.

4. A certificate of reciprocity issued to any foreign corporation shall remain in effect until the foreign corporation shall cease to be entitled under subsection

2 to act in this state in the fiduciary capacity or capacities covered by the certificate, and thereafter until revoked by the director of finance. If at any time the foreign corporation shall cease to be entitled under subsection 2 to act in this state in the fiduciary capacity or capacities covered by the certificate, the director of finance shall revoke the certificate and give written notice of the revocation to the foreign corporation. No revocation of any certificate or reciprocity shall affect the right of the foreign corporation to continue to act in this state in a fiduciary capacity in estates or matters in which it has theretofore begun to act in a fiduciary capacity pursuant to the certificate.

5. A foreign corporation, insofar as it acts in a fiduciary capacity in this state pursuant to the provisions of this section, shall not be deemed to be transacting business in this state, but the foreign corporation shall not establish or maintain in this state a place of business, branch office, or agency for the conduct in this state of business as a fiduciary.

6. Every foreign corporation to which a certificate of reciprocity shall have been issued shall be deemed to have appointed the director of finance to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the foreign corporation acts in this state in any fiduciary capacity pursuant to the certificate of reciprocity. Service of the process shall be made by delivering a copy of the summons or other process, with a copy of the petition when service of the copy is required by law, together with a remittance of one dollar (to be taxed as costs in the action or proceeding), to the director of finance or to any person in his office authorized by him to receive the service. The director of finance shall immediately forward the process, together with a copy of the petition, if any, to the foreign corporation, by registered mail, addressed to it at the address on file with the director, or if there be none on file then at its last known address. The director of finance shall keep a permanent record in his office showing for all process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving the process, the day and hour of service, and the day of mailing by registered mail to the foreign corporation and the address to which mailed. In case the process is issued by an associate circuit judge, the same may be directed to and served by any officer authorized to serve process in the city or county where the director of finance shall have his office, at least fifteen days before the return thereof.

**362.730. Dissenting stockholder may receive reasonable value of his stock—limitation, petition, hearing, appointment.—1.** If any merger or consolidation takes effect under the provisions of sections 362.610 to 362.810, then the holder of any stock, with or without voting rights, of any corporation which is a party to the agreement not voting in favor of the agreement to merge or consolidate at the stockholders' meeting aforesaid shall be entitled to receive from the receiving corporation, in case of a merger or from the consolidated corporation in case of a consolidation, the reasonable value of his stock at the time of the merger or consolidation, which value shall be determined in the following manner:

(1) Within sixty days after the taking effect of the merger or consolidation, the dissenting stockholder may apply to the circuit court of the county wherein the principal place of business of the receiving corporation, in case of a merger, or the consolidated corporation, in case of a consolidation, is located, by petition for the appointment of appraisers to value his stock;

(2) At any time during the above names sixty days any other dissenting stockholder or stockholders, in any corporation which is a party to the agree-

ment, may file his or their petition in the court wherein the proceeding is pending for the determination of the value of their respective shares of stock affected by the merger or consolidation;

(3) Any stockholder who does not become a party to such proceeding within the time herein prescribed shall be conclusively presumed to have assented to the merger or consolidation and shall be bound thereby as fully and as firmly as if he had voted therefor.

2. Within five days after the expiration of the period of sixty days, the court wherein the proceeding is pending, shall issue an order in which it shall fix the time and place of the hearing under the petition or petitions then pending, which shall not be more than twenty days after the issuance of the order. The court shall cause to be served upon each party, or his attorney of record, at least ten days before the hearing, a copy of the order fixing the time and place of hearing. The hearing shall be before the court, and at the hearing the court shall cause all petitions filed in the cause to be consolidated, and if the court finds that each of the parties to the proceedings has been notified of the time and place of hearing at least ten days before the hearing, then the court shall appoint three disinterested householders of the county in which the proceeding is pending, not related to either of the parties to the proceeding, as appraisers to ascertain and determine the value of the shares of stock of the dissenting stockholders, and upon the appointment, the court shall fix the time and place of the first meeting of the appraisers; each of the appraisers shall qualify by taking and subscribing an oath that he will faithfully and impartially discharge the duties imposed upon him and will render a true appraisal of the value of the stock of the dissenting stockholders in the proceeding. Should any appraiser fail to qualify or serve, the court shall, by an order duly entered, fill such vacancy.

**362.920. Procedure to obtain order allowing acquisition—duty of director.—1.** A bank holding company which seeks to acquire control of a bank or a bank holding company shall file with the division of finance a copy of any application which the bank holding company is required to file with the Board of Governors of the Federal Reserve System, together with such supplemental data as will enable the director of finance to determine if the acquisition is lawful under the provisions of section 362.915. The director of finance shall, within thirty days after receiving the application, issue his order declaring the acquisition to be lawful or unlawful under the provisions of section 362.915. The order of the director shall be the final administrative decision which may be appealed in the circuit court of the county of proper venue within thirty days after the mailing or delivery of notice of the director's order, by any party aggrieved by the order.

2. The director shall also determine if the proposed acquisition of a bank by a bank holding company is consistent with the interests of promoting and maintaining a sound banking system and sound trust companies, the security of deposits and depositors and other customers, the preservation of the liquid position of banks and in the interest of preventing injurious credit expansions and contractions. If the director determines that the proposed acquisition is not consistent with those objectives, he shall within thirty days of receipt of the application, communicate his objections to the proposed acquisition to the Board of Governors of the Federal Reserve System.

3. The provisions of section 362.915 and subsections 1 and 2 of this section shall not apply in the case of the acquisition of a bank or bank holding company acquired at the request of the director of finance, the Federal Deposit Insurance Corporation or the Board of Governors of the Federal Reserve System in order to prevent the imminent failure of a bank.

**375.580. Issuance, service and return of process.**—1. Upon the filing of such petition, the clerk of the court shall forthwith, and of course, issue a summons, requiring the defendant to appear before the court, if it be in session, or to a day beyond three days from the date of issue of said summons, and to answer the petition on the return day of said summons.

2. Said summons shall be returnable in three days after its issue, and shall be served as provided by law for service of process upon corporations in civil cases.

3. If an injunction is prayed for, the petition shall be presented to the circuit court, and the court to whom it is presented shall thereupon make an order for the issuing of an injunction, providing its term and fixing the return day of the summons, which shall not exceed three days from its date; and upon such order being made, the petition shall thereupon be filed in the clerk's office, and the writ of injunction shall issue, together with the summons as above provided.

4. Any writ of injunction issued under this law may be served and enforced as provided by law in injunctions issued in other cases, but the director of the insurance division shall not be required to give any bond as preliminary to or in the course of any proceedings to which he is a party as such superintendent, under sections 375.010 to 375.920, either for costs or for any injunction, or in case of appeal to either the supreme court or to any appellate tribunal.

**375.906. Foreign companies to appoint director to receive service—methods—penalty.**—1. No insurance company or association not incorporated or organized under the laws of this state shall directly or indirectly issue policies, take risks, or transact business in this state, until it shall have first executed an irrevocable power of attorney in writing, appointing and authorizing the director of insurance of this state to acknowledge or receive service of all lawful process, for and on behalf of the company, in any action against the company, instituted in any court of this state, or in any court of the United States in this state, and consenting that service upon the director shall be deemed personal service upon the company.

2. Service of process shall be made by delivery of a copy of the petition and summons to the director of insurance, the deputy director of insurance, or the chief clerk of the insurance division at the office of the director of insurance at Jefferson City, Missouri, and service as aforesaid shall be valid and binding in all actions brought by residents of this state upon any policy issued or matured, or upon any liability accrued in this state, or on any policy issued in any other state in which the resident is named as beneficiary, and in all actions brought by nonresidents of this state upon any policy issued in this state in which the nonresident is named beneficiary or which has been assigned to the nonresident, and in all actions brought by nonresidents of this state on a cause of action, other than an action on a policy of insurance, which arises out of business transacted, acts done, or contracts made in this state.

3. In case the process is issued by an associate circuit judge, the same may be directed to and served by any officer authorized to serve process in the city or county where the director of insurance has his office, at least fifteen days before the return thereof.

4. Every instrument of appointment executed by the company shall be attested by the seal of the company and shall recite the whole of this section, and shall be accompanied by a copy of a resolution of the board of directors or trustees of the company similarly attested, showing that the president and secretary or other chief officers of the company are authorized to execute the instruments on behalf of the company; and if any company fails, neglects, or refuses to ap-

point and maintain within this state an attorney or agent in the manner herein described, it shall forfeit the right to do or continue business in this state.

5. Whenever process is served upon the director of insurance, the deputy director of insurance, or the chief clerk of the insurance division under the provisions of this section, the process shall immediately be forwarded by first class mail prepaid and directed to the secretary of the company, or, in the case of an alien company, to the United States manager or last appointed general agent of the company in this country; provided, that there shall be kept in the office of the director of insurance a permanent record showing for all process served the name of the plaintiff and defendant, the court from which the summons issued, the name and title of the officer serving same, and the day and hour of the service.

**386.420. Persons entitled to be heard—commission to make report, when—depositions authorized—may enforce attendance at hearings—record of proceedings to be kept.—1.** At the time fixed for any hearing before the commission or a commissioner, or the time to which the same may have been continued, the complainant, the public counsel and the corporation, person or public utility complained of, and such corporations and persons as the commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The commission shall issue process to enforce the attendance of all necessary witnesses.

2. Whenever an investigation shall be made by the commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order or requirement in the premises. The commission or any commissioner or any party may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the circuit courts of this state and to that end may compel the attendance of witnesses and the production of books, waybills, documents, papers, memoranda and accounts. Witnesses whose depositions are taken as provided in this section and the officer taking the same shall severally be entitled to the same fees as are paid for like services in the circuit courts of this state.

3. If an order cannot, in the judgment of the commission, be complied with within thirty days, the commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.

4. A full and complete record shall be made of all proceedings before the commission or any commissioner on any formal hearing had, and all testimony shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the commission, a transcript of such testimony, together with all exhibits or copies thereof introduced and all information secured by the commission on its own initiative and considered by it in rendering its order or decision, and of the pleadings, record and proceedings in the cause, shall constitute the record of the commission; provided, that on review of an order or decision of the commission, the petitioner and the commission may stipulate that a certain question or questions alone and a specified portion only of the evidence shall be certified to the circuit court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on review.

**393.030. Right to take water from nonnavigable stream and erect dam—**

purposes for which company may condemn land.—1. Any corporation, company or individual proposing to supply with water any city, town or village, shall have the right to take water from any stream that is not navigable and to erect a dam thereon. Any such water corporation shall also have the right to acquire by condemnation sufficient lands to lay pipes for the conveyance of water in, over or through any lands situated beyond the source of water supply, regardless of the nature or kind of such source of supply. Any such water corporation shall also have the right to acquire by condemnation sufficient lands upon which to drill wells to provide an adequate water supply from underground sources. Any such water corporation shall also have the right to acquire by condemnation sufficient lands upon which to build, construct, install and operate facilities for the processing, pumping, storage distribution and management of water. Any such water corporation may exercise any, some or all of the above granted powers upon complying with the proceedings herein provided for.

2. In case any such corporation, company or individual cannot agree with the owners of such water or lands sought to be obtained, or right of way, upon compensation to be paid, or in case the owner is incapable of contracting, be unknown, or be a nonresident of this state, such corporation, company or individual may apply to the circuit court of the county where said land or any part thereof lies by petition, stating what is desired.

**411.295. Director may hold hearings, administer oaths, subpoena witnesses and evidence and punish for contempt.**—The director shall have power in the conduct of any investigation or hearing authorized or held by him to examine, or cause to be examined, under oath, any person, and to examine, or cause to be examined, books and records of any warehouseman; to hear testimony and take proof material for his information in the discharge of his duties under this chapter; to administer or cause to be administered oaths; and for any such purposes to issue subpoenas, to require the attendance of witnesses and the production of books which shall be effective in any part of this state; and any circuit court may by order duly entered, require the attendance of witnesses and the production of relevant books and records subpoenaed by the director, and the court may compel obedience to its order by proceedings for contempt.

**416.505. Operation without license enjoined—"stop-sale" orders, issuance—appeal.**—In any case where a person acts as a distributor or operates a milk processing plant within this state or such a plant located outside this state and is making sales within this state without having first obtained a license as provided in sections 416.410 to 416.560, the attorney general or the prosecuting attorney shall bring suit in a court of competent jurisdiction within the county in which the violation occurs to enjoin the sales or distribution of milk or milk products. In addition, the director, or his authorized agents or representatives are authorized and empowered to issue and enforce a written or printed "stop-sale" order to the owner or custodian of the milk products. The order shall prohibit the further sale of the milk products until the provisions of sections 416.410 to 416.560 have been complied with. The owner or custodian of the milk products shall have the right to appeal from the order to the circuit court of the county or city in which the milk products are located, praying for a judgment as to the justification of such order and for the discharge of the milk products from the order prohibiting the sale in accordance with the findings of the court.

**417.330. Search warrants—prosecution.**—Whenever any person who has filed for record any such name, mark or device, or who has acquired from such person in writing the ownership of such name, mark or device, or the right to the

exclusive use thereof, shall make oath before any judge of the circuit court that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any other person, such judge shall thereupon issue a search warrant to discover and obtain such receptacle, and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession, and if it shall be found that such person is guilty of violation of sections 417.300 to 417.360 he shall be punished in the manner herein prescribed, and the possession of the property taken upon such warrant shall be awarded to the owner thereof, but the remedy provided by this section shall not be held to be exclusive, and offenders against any provision of sections 417.300 to 417.360 may be prosecuted as in case of other misdemeanors.

**422.150. Defective mark—jurisdiction of clerk—fees.**—Upon complaint made to the county clerk that any mark recorded is similar to a mark recorded in said county prior thereto, or that such mark is defective and not in compliance with this statute, and upon ten days' written notice to the party using such similar or defective mark, which notice shall state the time of the hearing thereof, the clerk shall have jurisdiction to hear and try the question whether said mark is similar to a prior recorded mark, or is defective, and if so found, he shall enter his judgment in the record of marks, and thereafter the party shall have no right to use the same, or if he finds the mark is not similar nor defective, he shall enter such finding, and either party may appeal from such decision to the circuit court of the county, in the same manner and with the same effect as applications for a trial de novo are prosecuted from the judgment of an associate circuit judge sitting without a jury; like fees and costs shall be allowed in such proceedings as in trials before an associate circuit judge to be paid by the losing party, and recovered by execution, which may be issued by said clerk.

**426.020. Assignee to file inventory, when and where.**—It shall be the duty of the assignee, within fifteen days after the execution of the deed of assignment, to file in the office of the clerk of the circuit court of the county in which the assignor, or, if there be more than one, in which any one of them shall reside, unless longer time be allowed by the court for good cause shown, an inventory of the property, effects and things assigned.

**426.040. Appraisers, appointment of.**—It shall be the duty of the circuit court in whose clerk's office such inventory may be filed to appoint two or more disinterested and competent persons to appraise the property, effects and things so inventoried; provided, that such appraisers may be appointed before the filing of the inventory and may accompany the assignee and make said appraisal at the time of the making of said inventory, and said inventory and appraisal may be made out upon one paper with the affidavits of the assignee and appraisers thereto attached.

**426.090. Bond, where filed and recorded—approval.**—The bond shall be filed in the office of the clerk of the court in which the inventory is filed, shall be approved by the court, or in the absence of the judge, by the clerk and shall be by the clerk recorded in a book for such purpose, to be kept in his office and labeled "assignments."

**426.100. Bonds taken in absence of judge, approval or rejection.**—The circuit court shall approve or reject the bonds taken in the absence of the judge, and the clerk shall enter the approval or rejection on the record.



**426.140. Assignee to exhibit accounts, when and how—failure—citation—dismissal.**—Every assignee shall exhibit, on oath, a statement of the accounts of the trust, with proper vouchers, to the circuit court within sixty days after the execution of the assignment, unless for good cause postponed, and shall file a like statement every ninety days thereafter until such assigned estate is fully settled; and if such assignee shall fail to make such settlement within such times, then on the application of any person interested, the court shall order a citation to issue to such assignee, requiring him to appear in court within a time to be therein named, and exhibit, on oath, a statement of his said accounts; and if said assignee shall neglect and fail to exhibit such accounts within the time named in said citation, the said court shall, on motion, unless for good cause shown, dismiss said assignee from his trust.

**426.220. Appeals, how taken—affidavit and bond for.**—All appeals allowed by virtue of section 426.210 shall be taken and made by the appellant, or someone for him, making and filing an affidavit that the appeal is not taken for vexation or delay, but because affiant believes that appellant is prejudiced by the decision appealed from, and by giving bond to the state of Missouri in such sum as the assignee may require, and with such sureties as he may approve, conditioned that appellant will prosecute his appeal with due diligence, and pay all cost thereon awarded against appellant. If judgment for costs be rendered against appellant, it shall be against him and his sureties on the bond. In all other respects appeals shall be taken, certified and proceeded within the same manner as applications for a trial de novo from judgments of associate circuit judges.

**426.230. Proceedings in circuit court upon appeal.**—Upon such appeal being allowed and certified, as in section 426.220 is required, the court shall become possessed of the case, and shall proceed to hear and determine the same, in the same manner as if such case was pending before a circuit judge on an application for trial de novo from the judgment of an associate circuit judge; and appeals may be taken from the judgment of the court, in the same manner as appeals are now allowed by law from judgments of circuit judges in this state.

**426.250. Demand of assignee against assignor, how allowed.**—If the assignee shall have a demand against the assignor, which he desires to have allowed, he may present a petition to the circuit court stating the particulars of his demand and the amount thereof, verified by affidavit, and thereupon such court shall appoint some suitable person to act temporarily as assignee of such estate, for the purpose of hearing and passing upon such demand. The assignee so appointed shall take an oath that he will faithfully discharge the trust confided to him, and shall proceed to examine the claim, and if the same shall be found to be correct, in whole or in part, he shall allow the amount found to be due, and report his action in premises to the proper court, at a date to be fixed by the judge; and the court shall make an order directing the sum allowed to be paid to the claimant as other allowances are paid, and appeals shall be allowed from the decision of such temporary assignee as in other cases provided for in this chapter.

**426.310. Sale of property assigned, how made.**—The circuit court shall make an order for the sale of all the real and personal estate conveyed by any deed of assignment, either for cash in hand, or upon such reasonable credit and upon such other terms and notice as shall appear to the court to be most ad-

vantageous to all the parties in interest, and shall, by order, direct the nature of the security to be taken at sales made by assignees under this chapter. Before any sale of such real estate shall be made, the assignee shall give bond, with at least two good securities, to be approved by the court in an amount equal to the value of the real estate to be sold, conditioned that the said assignee will faithfully make the same under such order, and duly account for the proceeds thereof under the provisions of this chapter.

**429.350. Enforcement of mechanics' liens by associate circuit judge.**—Associate circuit judges may exercise jurisdiction without special assignment in all actions brought to enforce mechanics' liens when the amount or balance claimed to be due does not exceed the monetary jurisdiction which associate circuit judges may exercise in ordinary civil actions without special assignment.

**429.360. Suits for foreclosure, process, procedure—same as other civil suits.**—The process, practice and procedure, including applications for trial de novo, in suits to enforce mechanics' liens which are heard by an associate circuit judge without special assignment shall be as nearly as practicable the same as provided in other civil suits heard by associate circuit judges. When a case is specially assigned to an associate circuit judge to hear upon a record, the process, practice and procedure, including appeals, shall be the same as if the case was being heard by a circuit judge.

**430.160. Enforcement of liens.**—The lien provided for in section 430.150 shall be enforced as follows: The person claiming the lien shall file in circuit court, before a circuit or associate circuit judge, in the county in which he resides, a statement duly verified by himself, his agent or attorney, setting forth his account and a description of the property on which the lien is claimed, and thereupon the court shall issue a summons, as in ordinary civil actions, returnable forthwith; and upon a return of the summons, duly served, shall set the cause for hearing at any time after the lapse of one day. If summons be returned "defendant not found", and if it be proved to the satisfaction of the court that the defendant is not a resident of the county, the court shall order a notice of the proceedings to be published for three successive days, in a daily newspaper, if one be published in the county, and if there be none, then once in a weekly, if such be published in the county; and if no paper be published in the county, then by six handbills put up in six public places in the county, notifying the defendant of the filing and the particulars of the account, the description of the property on which the lien is claimed, its whereabouts, and the day and place set for a hearing of the cause, which shall be at least ten days from the day of the last publication of the notice or the posting thereof; and the proof of such publication or of the posting of such notice shall be filed in the court on or before the day of trial. When the defendant shall have been summoned or notified as aforesaid, the cause shall, on the day fixed for trial, be tried as any ordinary case before an associate circuit judge or a circuit judge, as the case may be. If the judgment be for the plaintiff, the court shall order the property upon which the lien shall have been found to exist to be sold to satisfy the same. If the lien be not established, and the defendant shall not have been summoned, or shall not have voluntarily appeared to the action, the cause shall be dismissed at the cost of the plaintiff. If the defendant shall have been summoned, or shall have appeared to the action, and the plaintiff shall have established an indebtedness on the account sued on, but shall have failed to establish the lien claimed, the judgment shall be for the plaintiff for such indebtedness, but the cost of suit, or any part thereof, may be taxed against him.

**430.220. Judgment, amount, how enforced.**—Upon the rendition of judgment, if for the lienor, it shall be for the sum found to be due, with costs of suit, and that the lien be enforced against the property by execution and sale as in ordinary sales under execution, but if such finding be for defendant, judgment shall be entered in his favor as in ordinary actions of replevin.

**441.510. Civil action, how maintained.**—A civil action may be maintained under the provisions of sections 441.500 to 441.640 in the circuit court for the circuit where the property is located by the following persons or entities on the ground that a nuisance exists with respect to the dwelling unit or the building or premises of which the dwelling unit is a part:

- (1) The municipality acting through the code enforcement agency, or
- (2) Occupants of one-third or more of the dwelling units within a building with respect to that building.

**442.035. Conveyance of estate by entireties by guardian of incompetent or persons under eighteen years of age.**—1. If any property, real or personal, including homestead property, is held by a husband and wife as tenants by the entirety, whether such entireties estate was created before or is created after the effective date of this section, and if one spouse is an adult and competent and the other spouse is under the age of eighteen or incompetent, or if both spouses are under the age of eighteen or incompetents, or if one spouse is under the age of eighteen and the other is an incompetent, the guardian of any such spouse, subject to the provisions of subsections 2 and 3 shall have full power to act for his ward and to do all things with respect to the property that the ward himself could do if he were an adult and competent; and without limiting the generality of the foregoing, the guardian acting with the other spouse or the other guardian may sell, convey, exchange, mortgage or pledge to secure loans of cash or purchase money, lease, invest, reinvest, partition the property or its proceeds in equal shares, convert the property or its proceeds into a tenancy in common in equal shares, or otherwise dispose of the property.

2. The power confirmed in a guardian by this section shall at all times be subject to the approval, control, and supervision of the probate division of the circuit court having venue of the guardianship. Either the guardian or the adult and competent spouse may petition or apply to the appropriate court for approval of an agreed proposed disposition of property held by entireties. In the event the court finds that the proposed disposition is fair and equitable to the ward taking into consideration all of the circumstances of the case including the proper interests of the other spouse, the court shall make appropriate authorization of disposition and such orders as are necessary and proper in the case. Insofar as is practicable, procedure in the probate division of the circuit court shall be in accord with the procedure provided in chapter 475, RSMo, for a similar type of disposition of property. The court in its discretion may tax the costs against both parties in equal or unequal shares, or solely against one party, or solely against the other party.

3. If one of the spouses who hold by entireties is the guardian of the other spouse, such guardian shall not represent his ward in any negotiations for agreement respecting disposition of the entireties property or in any proceedings for approval of an agreed proposed disposition of such property, but in all such matters the ward shall be represented by a guardian ad litem. In such cases, on petition or application by the adult and competent spouse, acting individually or as guardian, for disposition of the entireties property, the court shall appoint a guardian ad litem to represent the ward in the matter of a proposed dispo-

sition of the property, and the guardian ad litem shall represent the ward in any negotiations for agreement with the adult and competent spouse and in any proceedings for approval of the agreed proposed disposition of the property. In the event the agreed proposed disposition is approved by the court, the guardian ad litem shall be discharged and the guardian shall resume his full guardianship and shall do all things necessary to carry into effect the disposition of the property as approved pursuant to authorization and orders by the court. In the event no agreement is reached after a reasonable time with reference to disposition of the property, the guardian ad litem shall be discharged.

4. This section has no application to the conveyance, encumbrance or sale of property by a person under the age of eighteen who holds such property as a tenant by the entirety and who is authorized by law to make such conveyance, encumbrance or sale in person.

**442.555. Rule against perpetuities, application of modified.**—1. When any limitation or provision violates the rule against perpetuities or a rule or policy corollary thereto and the instrument containing the limitation or provision also contains other limitations or provisions which do not in themselves violate the rule against perpetuities or any such rule or policy, the other limitations or provisions shall be valid and effective in accordance with their terms unless the limitation or provision which violates the rule against perpetuities or such rule or policy is manifestly so essential to the dispositive scheme of the grantor, settlor or testator that it is inferable that he would not wish the limitations or provisions which do not in themselves violate the rule against perpetuities to stand alone. Doubts as to the probable wishes of the grantor, settlor or testator shall be resolved in favor of the validity of limitations and provisions.

2. When any limitation or provision violates the rule against perpetuities or a rule or policy corollary thereto and reformation would more closely approximate the primary purpose or scheme of the grantor, settlor or testator than total invalidity of the limitation or provision, upon the timely filing of a petition in a court of competent jurisdiction, by any party in interest, all parties in interest having been served by process, the limitation or provisions shall be reformed, if possible, to the extent necessary to avoid violation of the rule or policy and, as so reformed, shall be valid and effective.

3. This section shall not apply to any limitation or provision as to which the period of the rule against perpetuities has begun to run prior to the first day of November in the year in which this section becomes effective.

**443.430. Motion for approval of bond for redemption—hearing—receiver—additional bond.**—A motion or application for the approval shall be filed with the bond in the office of the clerk of the circuit court and at least one day's notice in writing thereof and of the time when the same will be filed and presented shall be given to the purchaser at such sale if he is a resident of the county and can be found therein, otherwise it shall be given to the trustee making the sale. If court should not be in session when such bond and application are so filed the clerk may temporarily approve the same subject to future action of the court thereon but unless so temporarily approved or presented to the court for consideration within such twenty days the same shall be taken and deemed as finally rejected and disapproved. The court may continue or adjourn the hearing or consideration of such bond when so within such twenty-day period temporarily approved by the clerk or presented to the court but the proceedings thereon shall be speedily and summarily acted upon and settled including the right or not of the obligor or obligors in the bond to give bond

and to make such redemption. The court at discretion may at such hearing or consideration of such bond or at any time during the redemption period of one year appoint a receiver to take charge and possession of and preserve the property so sold and to have the rents and profits thereof subject to the orders of the court, and the net result therefrom shall belong to the owner of the equity of redemption if redemption be made otherwise to the purchaser at such sale. And the court may require additional bond to be given as security at any time during such redemption period on application of the purchaser with at least five days' notice of such application to the principal on the original bond or his attorney, or agent, or representative.

**444.110. Notice of intention to mine—publication required.**—1. Every person, company or corporation desiring to carry on any of the mining operations provided for in section 444.100 shall give at least thirty days' notice of such intention by notice printed and published in some newspaper printed in such town, city or village wherein such mining operations are proposed to be carried on, or if no newspaper be printed in such city, town or village, then in some newspaper printed in said county, or if no newspaper be printed in such county, then by written or printed handbills posted up in six public places in the city, town or village wherein such mining operations are proposed to be carried on.

2. Such notice shall contain an accurate description of the locality where such mining operations are to be carried on, giving the number of lot and block, and shall also state the nature of such mining operations, and name some day the circuit court in said county is in session when such person, company or corporation will offer for filing and approval the indemnity bond provided for in this chapter.

**444.170. Diagram showing character and extent of mining operations to be filed in court—forfeiture for failure to comply.**—1. At periodic times as directed by the circuit court, during the continuance of any mining license, every person, company or corporation carrying on such mining operations shall, at their own expense, cause to be made by the county surveyor of the county where such mines are located, and filed with the court, under oath of such surveyor, a complete and true diagram of such mines, showing with reference to the boundaries of such mines, and the lots and lands of neighboring owners, the extent of such mines, their drifts, tunnels and excavations, giving the length and breadth of each drift, bank and tunnel, so as to fully inform the court and parties in interest of the extent and character of such mining operations. Such plats and diagrams shall remain on file with the clerk of such court, and shall not be removed by anyone from the files of such court.

2. Any failure to file the diagram and plat herein provided for, or to make such diagram show all the particulars herein provided for, shall work a forfeiture of the mining privileges of such person, company or corporation, which forfeiture the court shall, on the motion of any party in interest, declare on three days' notice to the party holding such license or privilege.

**444.670. Commission may inspect and search—warrant, where obtained.**—Commission members and authorized representatives of the commission may at all reasonable times enter upon any lands being strip mined for the purpose of inspection to determine whether the provisions of sections 444.500 to 444.755 have been complied with. No person shall refuse entry or access requested for purpose of inspection, to any member of the commission or authorized representative who presents appropriate credentials, nor obstruct or hamper any such person in carry-

ing out the inspection. A suitably restricted search warrant, describing the place to be searched and showing probable cause in writing and upon written oath or affirmation by any member of the commission or authorized representative, shall be issued by any circuit judge or associate circuit judge in the county where the search is to be made.

**446.040. Destroyed corners, how established.**—When the corner or corners of any survey shall have been destroyed or obliterated by time or accident, the owner of such survey, or of any other lands, the title of which may be affected by the loss of any such corner, may call on a judge of the circuit court, other than a municipal judge, of the county in which the land shall be situate, for the purpose of establishing such corners by testimony.

**446.050. Attendance of surveyor and witnesses—judge's duty.**—Such judge shall, upon application, issue his warrant to the sheriff of the county to cause to come before him, at a place on the land and on a day to be designated in the warrant, the county surveyor and such witnesses, as well without as within the county, as the person demanding such warrant, or other persons interested, may require.

**446.060. Examination of witnesses.**—Such judge shall, on the day appointed, proceed to the place designated, and there, in the presence of the county surveyor, examine the witnesses summoned, and others attending, touching the existence or situation of such destroyed or obliterated corners, or any other matter in relation to the entry or survey of such lands, or of the corners or boundaries of any adjoining lands, when the same may be necessary or conducive to the accomplishment of the object of the application.

**446.070. Adjournment.**—Such judge shall have power to adjourn from day to day, when the same may be necessary to the accomplishment of the examination.

**446.080. Examination reduced to writing.**—Such judge shall reduce the examination of the witnesses to writing, which shall be signed and sworn to by the deponents, and, being certified and signed by the judge, shall be by him delivered to the county surveyor.

**446.100. Evidence of notice.**—Satisfactory evidence of such notice shall be required by the judge before he proceeds to take such depositions, which shall appear in his certificate annexed to the depositions.

**446.190. Lost or destroyed records—replacement—evidentiary effect.**—1. In all of the counties of this state in which, at any time heretofore, the official records and records affecting the title to real estate therein, shall have been, by fire, war or other catastrophe, lost, destroyed, or injured so as to have become illegible, and whenever, hereafter, such records of any county, or the City of St. Louis, shall have been so lost, destroyed, or injured, it shall be the duty of the circuit judges of the circuit court of such county, in conjunction with the judges of the county court of such county, or if in the City of St. Louis the duty of the circuit judges thereof, to examine into the state of such records; and in the event that they find any abstracts, copies, minutes, or extracts therefrom, existing after such loss, destruction or injury, and that said abstracts, copies, minutes or extracts were fairly made, before such loss, destruction, or injury by any person, persons or corporation, in the ordinary and usual course of business, and that said abstracts, copies, minutes or extracts contain a material and substantial part of said records so lost, destroyed or injured as aforesaid, the said judges shall

certify the facts in regard to the loss, destruction or injury of such records, and in regard to such abstracts, copies, minutes or extracts therefrom, as such facts may be found by them; and if they are of the opinion that such abstracts, minutes, copies and extracts tend to show a connected chain of title to the lands in such county or city, they shall file such certificate, finding or opinion with the clerk of the circuit court thereof, which certificate shall be signed by said judges and have impressed thereon the seal of the county court of such county, or if in the City of St. Louis, the seal of the circuit court thereof; and thereupon, said abstracts, minutes, copies and extracts, or authenticated copies thereof, shall be admissible as prima facie evidence in all courts and places in this state, and in all courts held within this state, and in all inquiries, wherein the facts shown by such abstracts, minutes, copies, or extracts may be pertinent.

2. And it shall be the duty of the owner, owners, keeper or custodian of such abstracts, minutes, copies or extracts, to furnish to all persons or corporations so requesting, upon being paid or tendered, the charges and fees herein provided for, certified copies of the same, or any part thereof. Said certificate to be made by such owner, owners, keeper, or custodian, shall state that the paper or instrument to which it is appended or attached contains a true and correct copy of the entries set out in said abstracts, minutes, copies, or extracts, designating the same by the name of the compiler or maker thereof, when possible, to which the said filed certificate of the said circuit judge, or judges, and county judges relate; said certificates shall be signed by the maker thereof and sworn to by him before some officer who is authorized by the laws of this state to take and certify acknowledgments to instruments for the conveyance of real estate.

3. And it shall be the duty of the owner, owners, keeper, or custodian of such abstracts, minutes, copies or extracts, upon being paid or tendered the fees and charges herein provided for, to produce the same in court, and the courts of this state, and the courts held within this state may compel the production of the same in court, by subpoena duces tecum, as in other cases.

4. In all cases in which any abstracts, minutes, copies and extracts, or copies thereof, which are made admissible in evidence under the provisions of sections 446.190 to 446.220, shall be required to be used in evidence, all deeds, conveyances, or other instruments appearing thereby to have been executed by any person or corporation, or in which they appear to have joined, shall be presumed to have been duly witnessed, executed and acknowledged, unless the contrary appear therein; and all sales under powers of attorney, judgments, decrees or other legal proceedings, shall be presumed to be regular and correct, unless the contrary appear, and any person or corporation alleging any defect or irregularity in any such conveyance, sale, judgment or decree, or other legal proceeding, shall be held bound to prove the same; provided, that nothing contained in this section shall be construed to impair the effect of said injured, lost or destroyed records as notice.

**447.010. Duty of persons finding lost money, goods.**—If any person finds any money, goods, right in action, or other personal property, or valuable thing whatever, of the value of ten dollars or more, the owner of which is unknown, he shall, within ten days, make an affidavit before some judge of the circuit court of the county, other than a municipal judge, stating when and where he found the same, that the owner is unknown to him, and that he has not secreted, withheld or disposed of any part thereof.

**447.020. Appointment of appraisers by circuit judge.**—Such judge shall then, if necessary, summon three disinterested householders to appraise the same;

such appraisers, or any two of them, shall make two lists of the valuation and description of such property, money, or other valuable thing, and sign and make oath to the same, and shall deliver one of the lists to the finder and the other to the judge.

**447.030. Appraiser's list, where filed—publication.**—The judge shall file such list and the finder shall transmit a copy of the same to the clerk of the county court within fifteen days, and shall set up at the courthouse door, and four other public places in the township or city, a copy of such valuation within ten days.

**451.040. Marriage license required—waiting period—common law marriage void—lack of authority to perform marriage, effect of.**—1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage hereafter contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage must present an application for the license, duly executed and signed, to the recorder of deeds. Upon the expiration of three days after the receipt of the application or upon the expiration of three days after the applicants take the required blood test, whichever occurs first, the recorder of deeds shall issue the license, unless one of the parties withdraws the application.

3. Provided, however, that said license may be issued on order of a circuit or associate circuit judge of the county in which said license is applied for, without waiting three days as herein provided, such license being issued only for good cause shown and by reason of such unusual condition as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common law marriages hereafter contracted shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity thereof be in any way affected on account of any want of authority in any person so solemnizing the same under section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

**451.090. Issuance of license prohibited, when—parental consent, when required.**—1. No recorder shall, in any event except as herein provided, issue a license authorizing the marriage of any person under fifteen years of age; provided, however, that said license may be issued on order of a circuit or associate circuit judge of the county in which said license is applied for, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

2. And no recorder shall issue a license authorizing the marriage of any male under the age of eighteen years or of any female under the age of eighteen years, except with the consent of his or her father, mother or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.

3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of



eighteen years, the name of the father, mother or guardian consenting to such marriage.

**451.100. Marriages solemnized by whom.**—Marriages may be solemnized by any clergyman, either active or retired, who is a citizen of the United States, and who is in good standing with any church or synagogue in this state; or by any judge of a court of record, other than a municipal judge. Marriages may also be solemnized by a religious society, religious institution, or religious organization of this state, according to the regulations and customs of the society, institution or organization, when either party to the marriage to be solemnized is a member of such society, institution or organization.

**451.140. List of licenses not returned certified to grand jury.**—The recorder of deeds of each county shall certify to each grand jury a list of all marriage licenses issued by him and which have not been returned to him by the person who shall have solemnized the marriage under said license within ninety days after the issuing thereof; and any such recorder who shall fail to certify such list to the grand jury, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than five nor more than twenty-five dollars.

**452.240. Filing of petition, proceedings.**—The petition of a married woman for any of the purposes before mentioned may be filed and the case heard and determined in the circuit court, and the like process and proceedings shall be had as in other civil suits triable before circuit judges.

**452.250. Proceedings on such petition—appeal allowed, when and where.**—The same proceedings shall be had in relation to such petition as the law requires in other proceedings before circuit judges, and in relation to enforcing the orders and decrees, except that no appeal shall be allowed to the supreme court, or court of appeals, from any order or decree, on the part of the husband, until he has indemnified the petitioner for all delays and costs, in such manner as the court shall direct.

**452.420. Proceedings to be heard by circuit judge—exception.**—All proceedings authorized in chapter 452 to be maintained in circuit court shall be heard by circuit judges, except that said proceedings may be heard by an associate circuit judge if he is assigned to hear such case or class of cases or if he is transferred to hear such case or class of cases pursuant to other provisions of law or section 6 of article V of the constitution.

**454.100. Jurisdiction—circuit judge to hear proceedings—exception.**—Jurisdiction of all proceedings hereunder is vested in the circuit court. Such proceedings shall be heard by a circuit judge, except that said proceedings may be heard by an associate circuit judge if he is assigned to hear such case or class of cases or if he is transferred to hear such case or class of cases pursuant to other provisions of law or section 6 of article V of the constitution.

**456.225. Testamentary trusts—bond required, when—accounting may be required, procedure.**—1. Before rendering any decree of partial or final distribution of any bequest or devise in trust, the probate division of the circuit court, in its discretion, may require any trustee named as distributee in the will creating such trust to file bond, in an amount and with security fixed by the court, conditioned upon the faithful performance of the duties of the trustee, except the court shall not require a bond if the will which creates the trust directs that no bond shall be required of the trustee or trustees. No bond shall be required if the trustee

is the surviving spouse of the testator or if the trustee or any cotrustee of the trust is a corporation and has a certificate of the director of finance of the state of Missouri that it has complied with the provisions of section 362.115, RSMo.

2. Upon the written petition of any person shown to be a beneficiary of a trust created by the last will and testament of any deceased person probated in this state, and upon a showing that no verified accounting of the administration of the trust has been made to such beneficiary or made available upon request within the preceding year, the court in which the will was probated may, in its discretion, order the trustee to file in such court a verified written accounting of its administration of the trust covering the period of time ordered by the court.

3. The judge of the probate division decreeing distribution of a bequest or devise in trust has the same jurisdiction of or with respect to the testamentary trust as a circuit judge, and his jurisdiction is concurrent with that of a circuit judge.

4. The person petitioning for any judgment authorized by this section shall cause to be served upon all interested persons such notice or process as is required by law and in addition as may be ordered by the court. Before any hearing on any petition authorized by this section the court shall appoint a guardian ad litem to appear on behalf of and represent the interests of beneficiaries of the trust under legal disability, unknown beneficiaries or beneficiaries not then in being, including all persons as may under any contingencies become beneficiaries of or financially interested in the trust estate. The notice to or on behalf of public charitable beneficiaries shall be given to the attorney general of the state.

**470.320. Class action—service notice by publication.**—1. If persons constituting the owners, their assignees, personal representatives, grantees, heirs, devisees or other successors of such moneys or funds, to be made parties defendant in such action or proceeding for escheat, are so numerous as to render it impossible or impracticable to bring them all before the court, and to serve them all with process as herein provided for, such of them, if living, or if any of them be not living, their unknown assignees, personal representatives, grantees, heirs, devisees, or other successors, as will fairly insure adequate representation of all, may be sued and served with process as a class. Whenever such action or proceeding is instituted against defendants as representatives of a class, the petition or bill in equity shall allege such facts as shall show that the defendants specifically named, if living, and if any of them be not living, then his unknown assignee, personal representative, grantee, heirs, devisees, or other successors, and served with process as herein provided have been fairly chosen and adequately and fairly represent the whole class. The state shall be required to prove such allegations and it shall not be sufficient to prove such facts by the admission or admissions of the defendants who have entered their appearance.

2. If the proof shows that every person to be bound by the judgment or decree is fairly and adequately represented, a judgment or decree of escheat for the entire funds may be entered, notwithstanding the fact that the defendant or defendants make default, but in such case the state shall be required to prove its case and, if the court finds that a reasonable necessity therefor exists, it may appoint an attorney to represent the defendants and allow him a reasonable attorney's fee to be taxed as costs in the case. The costs of such action shall be paid from funds appropriated by an act of the legislature of the state of Missouri.

3. Service by publication shall be allowed in such escheat class action or proceeding and if the defendant or defendants so served do not appear, judgment of escheat may be rendered affecting said moneys and funds and declaring the same to escheat to the state of Missouri.

4. The attorney general desiring service by publication for such class action or proceeding shall file an application with the circuit judge or clerk of the said circuit court verified by his oath for an order of publication. The application shall show why service cannot be had as in other cases, such as personal service, or by publication as provided in other cases, and shall show that the owners of such moneys or funds and their unknown assignees, personal representatives, grantees, heirs, devisees or other successors are so very numerous as to render it impossible or impracticable to bring them all before the court or to serve them with process as provided for in other cases under the civil code of Missouri, and shall show that the defendants specifically named in the petition or bill in equity have been fairly chosen and adequately and fairly represent the whole class and said attorney general, as affiant, shall allege in said application that he has exercised reasonable diligence to ascertain the whereabouts of the owners of such moneys or funds, including their unknown assignees, personal representatives, grantees, heirs, devisees, or other successors, and that after so doing he has been unable to locate their whereabouts.

5. The judge or clerk, after the filing of said application shall issue an order of publication of notice to the named defendants, if they be living, and if any of them be not living, then to their unknown assignees, personal representatives, grantees, heirs, devisees or other successors, and to all claimants of said moneys or funds whomsoever, notifying them of the commencement of the action, stating briefly the facts and circumstances in consequence of which such moneys, refund of rates, or premiums or effects is claimed to have escheated and alleging that by reason thereof the state of Missouri has the right to such moneys, refund of rates, or premiums or effects, and describing the moneys or property sought to be escheated to the state of Missouri, giving a brief description of the origin of said moneys or funds to be thereby affected and why the same has not been distributed. And, notifying all such persons that the action is a class action and setting forth the approximate number of owners of such fund, stating that it is impossible or impracticable to name and designate all of such owners because of the fact that they are too numerous to name.

6. The notice shall also contain the name of the court and the name of the parties who are named in said suit, including the unknown assignees, personal representatives, grantees, heirs, devisees or other successors of the named defendants and of all the other claimants whomsoever of such moneys or funds, and shall state the name and address of the attorney general representing the state, as a party plaintiff, and giving the time, which shall be at least forty-five days after the date of the first publication, within which the defendants are required to appear and defend, and shall notify such defendants, their unknown assignees, personal representatives, grantees, heirs, devisees, or other successors and all claimants whomsoever that in case of their failure to do so, judgment by default decreeing that all of such moneys or funds be escheated to the state of Missouri will be rendered against them.

7. Such notice shall be published at least once each week for four successive weeks in some newspaper published in the county where suit is instituted, if there be a newspaper published there, which the attorney general may designate, if not, then in some newspaper published in the state as designated by the judge of said circuit court as most likely to give notice to the persons to be notified.

8. In such action or proceeding for the escheat of such moneys or funds, except for class actions as herein provided, personal service shall be had on those defendants whose whereabouts are known and can be served within the state of Missouri, and for the defendants who are known and who come within the pro-

visions for service by publication as provided by the civil code of Missouri, service on such defendants and their unknown assignees, personal representatives, grantees, heirs, devisees or other successors shall be had as in other civil actions, and in class actions or proceedings where the defendants are sued as a class, service on them shall be had by publication as herein provided.

**472.010. Definitions.**—When used in this Code, unless otherwise apparent from the context:

(1) "Administrator" includes any administrator de bonis non, administrator cum testamento annexo, administrator ad litem and administrator during absence or minority.

(2) "Child" includes an adopted child but does not include a grandchild or other more remote descendants, nor except as provided in section 474.060, RSMo, an illegitimate child.

(3) "Claims" include liabilities of the decedent which survive whether arising in contract or in tort or otherwise, funeral expenses, the expense of a tombstone and costs and expenses of administration.

(4) "Clerk" means division clerk of the probate division of the circuit court.

(5) "Code" or "probate code" means chapters 472, 473, 474 and 475, RSMo.

(6) "Court" or "Probate Court" means the probate division of the circuit court.

(7) "Devise", when used as a noun, means a testamentary disposition of real or personal property or both; when used as a verb it means to dispose of real or personal property or both by will.

(8) "Devisee" includes legatee.

(9) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under his will, under the statutes of interstate succession or who take as surviving spouse under section 474.160, RSMo, upon election take against the will.

(10) "Domicile" means the place in which a person has voluntarily fixed his abode, not for a mere special or temporary purpose, but with a present intention of remaining there permanently or for an indefinite time.

(11) "Estate" denotes the real and personal property of the decedent or ward, as from time to time changed in form by sale, reinvestment or otherwise, and augmented by any accretions and additions thereto and substitutions therefore and diminished by any decreases and distributions therefrom.

(12) "Exempt property" refers to that property of a decedent's estate which is not subject to be applied to the payment of claims, charges, legacies or bequests as described in section 474.250, RSMo.

(13) "Fiduciary" includes executor, administrator, guardian, and testamentary trustee.

(14) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate.

(15) "Interested persons" means heirs, devisees, spouses, creditors or any others having a property right or claim against the estate of a decedent being administered. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved.

(16) "Issue" of a person, when used to refer to persons who take by intestate succession, includes adopted children and all lawful lineal descendants, except those who are the lineal descendants of living lineal descendants of the intestate.

(17) "Lease" includes an oil and gas lease or other mineral lease, but does not include month to month or year to year tenancies under oral contracts.

(18) "Legacy" means a testamentary disposition of personal property.

(19) "Legatee" means a person entitled to personal property under a will.

(20) "Letters" include letters testamentary, letters of administration and letters of guardianship.

(21) "Lien" includes all liens except general judgment, execution and attachment liens.

(22) "Lineal descendants" includes adopted children and their descendants.

(23) "Mortgage" includes deed of trust, vendor's lien and chattel mortgage.

(24) "Person" includes natural persons and corporations.

(25) "Personal property" includes interest in goods, money, choses in action, evidences of debt, shares of corporate stock and chattels real.

(26) "Property" includes both real and personal property.

(27) "Real property" includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real.

(28) "Registered mail" includes "certified mail" as defined and certified under regulations of the United States Post Office Department.

(29) "Will" includes codicil; it also includes a testamentary instrument which merely appoints an executor and a testamentary instrument which merely revokes or revives another will.

**472.020. Jurisdiction of probate division of circuit court.**—The probate division of the circuit court may hear and determine all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians of minors and persons of unsound mind, settling the accounts of executors, administrators and guardians, and the sale or leasing of lands by executors, administrators and guardians, including jurisdiction of the construction of wills as an incident to the administration of estates, of the determination of heirship, of the administration of testamentary and inter vivos trusts, of mental incompetency proceedings as provided by law and of such other probate business as may be prescribed by law.

**472.030. Powers of court—executions, when returnable.**—The probate division of the circuit court has the same legal and equitable powers to effectuate and to enforce its orders, judgments and decrees in probate matters as circuit judges have in other matters and its executions shall be governed by chapter 513, RSMo, or supreme court rule except that all executions shall be returnable within thirty days unless otherwise ordered by the court. All process of the court may be served anywhere within the territorial limits of the state.

**472.040. Costs.**—In all suits and other proceedings in the probate division of the circuit court, the party prevailing shall recover his costs against the other party, except in those cases in which a different provision is made by law. Whenever costs are given against executors and administrators, the estate shall pay the costs. Parties presenting claims against estates, for the same causes and in the same manner, may be ruled to give security for costs, as is provided in practice in civil cases.

**472.050. Court open, when—sessions—time for acts.**—The court shall be open for the transaction of probate business at all reasonable hours. The judge of the probate division of circuit court may by order provide for the holding of sessions of the court at regular recurring times for the purpose of hearing claims, settlements and other matters but no such order shall prohibit the hearing and de-

termination of any proceeding before the court at any time when necessary to promote the ends of justice nor shall such order be inconsistent with rules of court. If the last day on which any act is required to be performed in the court falls on any day on which the court is not open the same shall be performed on the next succeeding day on which the court is open.

**472.060. Disqualification of judge.**—No judge of probate shall sit in a case in which he is interested, or in which he is biased or prejudiced against any interested party, or in which he has been counsel or a material witness, or when he is related to either party, or in the determination of any cause or proceeding in the administration and settlement of any estate of which he has been executor, administrator or guardian, when any party in interest objects in writing, verified by affidavit; and when the objections are made, the cause shall be transferred to another judge, in accordance with the rules of civil procedure relating to change of judge, who shall hear and determine same; and the clerk of the circuit court or division clerk shall deliver to the probate division of the circuit court a full and complete transcript of the judgment, order or decree made in the cause, which shall be kept with the papers in said office pertaining to said cause.

**472.070. Powers of clerk.**—1. The clerk of the probate division may take acknowledgments, administer oaths, and certify and authenticate copies of instruments, documents and records of the court, and perform the usual functions of his office.

2. Subject to control of the judge of the probate division, the clerk of the probate division may issue notices and make all necessary orders for the hearing of any petition or other matter to be heard in the court.

3. If a matter is not contested, the clerk may hear and determine it and make all orders, judgments and decrees in connection therewith which the judge could make, subject to be set aside or modified by the judge at any time within thirty days thereafter; but if not set aside or modified the orders, judgments and decrees made by the clerk shall have the same effect as if made by the judge.

4. The judge may act as clerk ex officio, whenever the business of the court requires.

5. A seal is authorized for the probate division of the circuit court which shall be kept in the custody of the judge or the clerk of the probate division.

**472.140. Record kept—adversary probate proceeding defined.**—1. A record shall be kept in any adversary probate proceeding in a probate division of the circuit court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

2. "Adversary probate proceeding" as used in this section and in section 472.141 means any proceeding which requires, as a condition precedent to an entry of an order or judgment on the merits, notice of hearing to persons interested in the proceeding, except that proceedings to sell real property or to make final settlement and except that notices that letters have been granted, for unknown heirs, to file interim settlements, of the right of the surviving spouse to elect to take against the will and in guardianship estates in which the Veterans Administration is a party in interest as to petitions by the guardian to disburse funds and as to settlements of guardians shall not be deemed to be adversary unless and until an interested person files objections to the action proposed or the account stated. An "adversary probate proceeding" shall also mean any other

probate proceeding determined by the judge of the probate division to be an adversary proceeding.

3. The judge on his motion, or on the request of an interested person, may direct the keeping of a record of any hearing in a probate proceeding. The judge in his discretion may require the party requesting the record to give security for the payment of the costs thereof and may assess the costs of making the record against any party to the proceedings.

**472.141. Proceedings to be conducted in accordance with rules of procedure—order after action commenced.**—1. An adversary probate proceeding shall be conducted, as nearly as practicable, in accordance with the rules of civil procedure.

2. If a proceeding is already commenced when the court determines it to be adversary, the court may, on its own motion or on motion of any interested person, enter an order specifying the appropriate provisions of the rules of civil procedure which shall govern the proceeding.

**472.160. Appeal, grounds for.**—1. Any interested person aggrieved thereby may appeal to the appropriate appellate court from the order, judgment or decree of the probate division of the circuit court in the following cases:

- (1) On all claims against an estate exceeding twenty dollars;
- (2) On all settlements of executors and administrators;
- (3) On all apportionments among creditors, legatees or distributees;
- (4) On all orders directing the payment of legacies, making distribution or making allowances to the surviving spouse or unmarried minor children;
- (5) On all orders for the sale of personal estate because distribution cannot be made in kind;
- (6) On all orders for the sale of real estate;
- (7) On judgments for waste;
- (8) On proceedings to recover balances escheated to the state;
- (9) On all orders revoking letters testamentary or of administration;
- (10) On orders making allowances for the expenses of administration;
- (11) On orders for the specific execution of contracts;
- (12) On orders compelling legatees and distributees to refund;
- (13) On the refusal of the court to order sale of real estate to pay debts or legacies;
- (14) On refusal of the court to order distribution or apportionment among creditors; and
- (15) In all other cases where there is a final order or judgment of the probate division of the circuit court under this code except orders admitting to or rejecting wills from probate.

2. No appeal shall be allowed from any order made by the clerk under section 472.070 unless a motion to modify or vacate such order has been denied by the court but no such motion is necessary to an appeal from any order made by the judge.

**472.170. Appeals from orders as to mental condition—operate as supersedeas, when.**—Appeals shall be allowed from the probate division of the circuit court to the appropriate appellate court in any case in which a final adjudication in an investigation of the mental condition of any person alleged to be incompetent or mentally ill has been made. The appeal may be made by the petitioner who applied for said adjudication, or by the person alleged to be incompetent or mentally ill, or by any relative of such person, or by any reputable citizen of the

county in which the hearing occurred, or by an attorney for any of the foregoing persons. Such an appeal shall not operate as a supersedeas pending the determination of such appeal of any such adjudication or any order or judgment of the probate division based upon such adjudication except to the extent it is specifically provided by the probate division in an order entered at the time of or after the notice of appeal has been filed. The probate division shall in such order allow supersedeas of any order or judgment of commitment or confinement of such person unless it is found that such person by reason of his mental condition is so far disordered in his mind as to endanger his own person or the person or property of others; and the probate division may, in its discretion, allow supersedeas of such adjudication and other orders and judgments of the probate division based thereon, in whole or in part. After the notice of appeal has been filed, the decision of the probate division as to supersedeas, as aforesaid, may be reviewed by the appellate court on motion by an interested party.

**472.180. Time for appeal.**—All appeals shall be taken within the time prescribed by the rules of civil procedure relating to appeals.

**472.190. Appeals stayed or consolidated, when.**—When an appeal is taken from any appealable order, judgment or decree in the administration of a decedant's estate, made prior to the decree of final settlement and distribution, the probate division of the circuit court, in its discretion, and if no person is prejudiced thereby, may order that the appeal be stayed until the decree of final distribution is made and that the appeal be heard only as a part of any appeal which may be taken from the decree of final settlement and distribution. This section does not apply to guardianships.

**472.210. Appeals, procedure.**—Appeals shall be taken in accordance with the rules of civil procedure relating to appeals.

**472.280. Records of probate division of circuit court.**—may be kept by means other than bound volumes—reading equipment, index to be provided.—1. The court shall keep the following:

(1) An index in which files, pertaining to estates of deceased persons, shall be indexed under the name of the decedent, and those pertaining to guardianships under the name of the ward; after the name of each file shall be shown the file and register number and the book and page of the register;

(2) A register, arranged in numerical order, in which shall be listed in chronological order under the file and register number and the name of the decedent or ward, all documents filed or issued and all orders, judgments and decrees made pertaining to the estate, the date thereof, and a reference to the volume and page of any other book in which any record has been made of such order or document;

(3) An abstract of all judgments of other courts filed and of all claims established in the probate division of the circuit court against the estate of each decedent which shall show their amount, date and class, and to whom payable;

(4) A record of wills exhibited to be proven properly indexed, in which shall be recorded such wills, together with the proof thereof and the certificate of probate or rejection thereof;

(5) A record of bonds, in which shall be recorded all bonds filed;

(6) A record of letters, in which shall be entered all letters issued;

(7) A record of inventories, in which shall be recorded all inventories and appraisements;

(8) A record of settlements in which shall be recorded the accounts and settlements of all executors, administrators and guardians;



(9) A record of probate proceedings, which shall contain all orders, judgments and decrees of the court;

(10) A record of the minutes of the proceedings of the court.

2. All vouchers and receipts in any estate filed in the court may be destroyed on order of the court after they have been on file for a period of five years after final termination of administration proceedings in the estate.

3. Other provisions of law to the contrary notwithstanding, any records required to be kept by the probate division of the circuit court under subsection 1 of this section or by any other law may be kept and maintained by means other than bound volumes of paper pages, including such means as photography, microphotography, photostatic process, electrostatic process, facsimile reproduction, perforated tape, magnetic tape or other electromagnetic means, electronic data processing, machine-readable media, graphic or video display, or any combination thereof. All courts keeping records and information by any of the aforesaid means shall keep and have readily available to the public the necessary machines and equipment to present the said records and information in a readily readable form; and, further, said courts shall properly and adequately index said records and information so that the same shall be readily retrievable.

**473.023. Court or clerk to grant letters.**—The probate division of the circuit court, or the clerk thereof, subject to modification or revocation by the court, shall grant letters testamentary and of administration.

**473.033. Notice of letters, publication, form.**—The clerk, as soon as letters testamentary or of administration are issued, shall cause to be published in some newspaper a notice of the appointment of the executor or administrator, in which shall be included a notice to creditors of the decedent to file their claims in the court or be forever barred. The notice shall be published once a week for four consecutive weeks. The clerk shall send a copy of the notice by ordinary mail to each heir and devisee whose name and address are shown by the application for letters or other records of the court, but any heir or devisee may waive notice to him by filing a waiver in writing. Proof of publication of notice under this section and proof of mailing of notice shall be filed not later than ten days after completion of the publication. The notice shall be in substantially the following form:

To all persons interested in the estate of ....., decedent:  
On the ..... day of ..... 19 ....., (the last will of ..... was admitted to probate and) ..... was appointed the (executor) administrator of the estate of ..... decedent, by the probate division of the circuit court of ..... county, Missouri. The business address of the administrator (executor) is ....., and his attorney is ..... of .....

All creditors of the decedent are notified to file claims in court within six months from the date of this notice or be forever barred.

Date of first publication is ..... 19 .....

.....  
Clerk of the Probate Division of the Circuit Court  
..... County.....

**473.043. Will of decedent, where delivered—wills found in safe deposit boxes, how delivered—refusal to deliver, how handled.**—1. After the death of the testator, the person having custody of his will shall deliver it to the probate division of the circuit court which has jurisdiction of the estate or to the probate division of the circuit court of the county where the will is found and if the

latter, that court shall keep a copy and deliver the original will, by certified mail, to the probate division of the circuit court which has jurisdiction of the estate.

2. Wills of decedents found in safe deposit boxes are in the custody of the depository for the purposes of this section and said depository may make a copy of the will before delivering it to the proper court.

3. If the probate division of the circuit court is satisfactorily informed that any person has in his possession the will of any testator, and refuses to produce the same, the court may summon the person, and compel him, by attachment and commitment, to produce the same.

**473.050. Wills, presentment for probate, time limited.**—No proof shall be taken of any will nor any certificate of probate thereof issued, unless the will has been presented to the judge or clerk of the probate division of the circuit court, within six months from the date of the first publication of the notice of granting letters testamentary or of administration by the probate division of any circuit court in the state of Missouri, or within thirty days from the commencement of an action under section 473.083 to establish or contest the validity of a will, whichever is later, on the estate of the testator named in the will so presented.

**473.053. Testimony of subscribing witnesses, other evidence.**—1. At least two of the subscribing witnesses to a written will shall be examined if they are alive and competent to testify and otherwise available. Before any will is probated each of at least two witnesses thereto shall testify to facts showing that the will was executed in accordance with section 474.320, RSMo. This section does not alter the rules of evidence as to the establishment of a will by probate in solemn form.

2. If either or both of the subscribing witnesses to the will are dead, insane or their whereabouts unknown, then due execution of the will by testator and its attestation by subscribing witnesses shall be proved by the available subscribing witness, if any, and proof of the handwriting of any dead or insane subscribing witness or subscribing witness whose whereabouts is unknown, or by such other competent evidence as is available.

**473.057. Commission for testimony of nonresident witness.**—If a witness to any will for good cause shown is prevented from attending at the time when any will is produced for probate, the clerk or court may issue a commission annexed to the will or a photostatic copy thereof, and directed, if the witness resides out of the United States to any court having a seal, of any state, kingdom, republic or empire, or mayor or other chief officer of any city or town having a seal, or to any minister or consul of the United States to any country in which the witness resides; if without this state and within the United States, to any court having a seal, or to any notary public in the state, territory or district in which the witness resides; and if within this state, to any court having a seal, or judge thereof, notary public, mayor, or other chief officer of any city or town in the county where the witness resides, empowering him to take and certify the attestation of the witness. If any witness is a member of the armed forces of the United States on active duty and out of this state, the commission may be issued to any commissioned officer, other than a warrant officer, of any of the armed forces of the United States, on active duty, and shall authorize him to take and certify the attestation of the witness.

**473.083. Contest of will, when, procedure.**—1. Unless any person interested

in the probate of a will appears within six months after the date of the probate or rejection thereof by the probate division of the circuit court, or within six months after the first publication of notice of granting of letters on the estate of the decedent, whichever is later, and, by petition filed with the clerk of the circuit court of the county contests the validity of a probated will, or prays to have a will probated which has been rejected by the probate division of the circuit court, then probate or rejection of the will is binding.

2. Whenever it is shown or appears to and is found by the judge of the probate division that any person interested in the probate of a will is a minor or person of unsound mind, and that the filing of a contest may be to the interested of the minor or person, the court shall appoint a guardian for the minor or person, who shall file or join in the contest within the time fixed by subsection 1 of this section.

3. Upon filing of the petition the clerk of the circuit court shall immediately notify the probate division of the circuit court and transmit to it a copy of the petition within ten days after its filing.

4. Any contest of the validity of a probated will shall be heard in the probate division of the circuit court, except that the presiding judge of the circuit may assign the cause to another division to be heard on the record or the judge of the probate division may certify the cause for assignment in the manner provided in subsection 2 of section 517.520. Any prayer to have probated a will which has been rejected by the judge of the probate division shall be heard before a circuit judge other than the judge of the probate division. Service of summons, petition, and subsequent pleadings thereto together with all subsequent proceedings in such will contest proceedings shall be governed by the Missouri Rules of Civil Procedures and the provisions of The Civil Code of Missouri which are in effect.

5. In any such action the petitioner shall proceed diligently to secure and complete service of process as provided by law on all parties defendant. If service of process is not secured and completed upon all parties defendant within ninety days after the petition is filed, the petition, on motion of any defendant, duly served upon the petitioner or his attorney of record, in the absence of a showing by the petitioner of good cause for failure to secure and complete service, shall be dismissed at the cost of the petitioner.

6. If a timely petition is filed, it and the answer or answers thereto shall frame the issues of intestacy or testacy or which writing or writings constitute the decedent's will, the issues shall be tried by a jury, or if no party requires a jury, by the court, and the judgment thereon shall determine the issues. The verdict of jury or the finding and judgment of the court is final, saving to the court the right of granting a new trial and to the parties the right of appeal as in other cases.

7. Any such action may be voluntarily dismissed, after the period of contest has expired, by consent of all parties not in default, at the cost of the party or parties designated, at any time prior to final judgment.

8. If the action is dismissed under the provisions of subsections 5 or 7, the judge of the probate division shall proceed with the administration of the estate in accord with his previous order admitting the will to probate or rejecting a will as if the petition had never been filed with the clerk of the circuit court.

**473.090. Refusal of letters.—1.** The probate division of the circuit court, in its discretion, may refuse to grant letters in the following cases:

(1) When the estate of the decedent is not greater in amount than is al-

lowed by law as exempt property and the allowance to the surviving spouse or unmarried minor children under section 474.260, RSMo;

(2) When the personal estate of the decedent does not exceed two thousand dollars and there is no widower, widow or unmarried minor children, any creditor of the estate may apply for refusal of letters by giving bond in the sum of not less than the value of the estate, the bond to be approved by the court, conditioned upon the creditor's obligating himself to pay, so far as the assets of the estate will permit, the debts of the decedent in the order of their preference, and to distribute the balance, if any, to the persons entitled thereto under the law. Liability of the sureties on the bond shall terminate unless proceedings against them are instituted within two years after the bond is filed. The court may dispense with the filing of a bond if it finds the same is necessary.

2. Proof may be allowed by or on behalf of the widower, widow, unmarried minor children or creditor before the court of the value and nature of the estate, and if the court is satisfied that no estate will be left after allowing to the surviving spouse or unmarried minor children their exempt property and statutory allowances or that the personal estate does not exceed two thousand dollars when application is made by a creditor, the court may order that no letters of administration shall be issued on the estate, unless, upon the application of other creditors or parties interested, the existence of other or further property is shown.

3. After the making of the order, and until such time as it may be revoked, the surviving spouse, unmarried minor children or creditor may collect and sue for all the personal property belonging to the estate, if a surviving spouse or creditor, in the same manner and with the same effect as if he had been appointed and qualified as executor or administrator of the estate, and if minor children, in the same manner and with the same effect as now provided by law for proceedings in court by infants in bringing suit.

4. When the estate of the decedent includes real estate and its value, less liens and encumbrances, together with the personal property, is not greater in value than the exempt property and allowances to the surviving spouse or unmarried minor children, the surviving spouse or unmarried minor children are entitled thereto and may make record evidence of title thereto without appointment of an executor or administrator by filing in the office of the recorder of deeds of each county where the real property is situated and a certified copy of the order of refusal of letters, describing the real property, naming the persons entitled thereto and showing their right to succeed to the property.

5. The surviving spouse or unmarried minor children who receive property of the estate under this section may retain the same, but a creditor receiving property hereunder shall apply the proceeds thereof to debts of the estate in the order in which claims against the estate of deceased persons are now classified and preferred by law, and shall distribute the balance, if any, to the persons entitled thereto under the law. Upon compliance with this procedure, the real estate involved shall not thereafter be taken in execution for any debts or claims against the decedent, but the compliance has the effect of establishing the right of the surviving spouse or unmarried minor children to succeed to the real property; however, nothing herein shall affect the right of secured creditors with respect to the real property.

6. Any person who has paid funeral expenses or debts of decedent is deemed a creditor for the purpose of making application for the refusal of letters of administration under this section and is subrogated to the rights of the original creditor.

**473.097. Collection of small estate by distributees on affidavit.**—1. Distributees of an estate which consists of personal property or real property or both personal and real property have a defeasible right to the personal property, and are entitled to the real property thereof, as herein provided, without awaiting the granting of letters testamentary or of administration, if

(1) The value of the entire estate, less liens and encumbrances, does not exceed five thousand dollars; and

(2) Thirty days have elapsed since the death of the decedent and no application for letters or for administration or for refusal of letters under section 473.090 is pending or has been granted; and

(3) The distributees file in the probate division of the circuit court of the county of decedent's residence a bond, in an amount not less than the value of the personal property, approved by the judge or clerk of the probate division conditioned upon the payment of the debts of the decedent, the inheritance taxes due on the property transfers involved and of the expenses of funeral and burial and upon compliance with future orders of the court in relation to the estate of the decedent, and further conditioned that any part of the property, to which the distributee is not entitled will be delivered to the persons entitled thereto under the law. Liability of the sureties on the bonds herein provided for terminates unless proceedings against them are instituted within two years after the bond is filed; except that, the court can dispense with the filing of a bond if it finds that the same is not necessary.

2. The distributees mentioned in this section are entitled to receive the personal property, or to have any evidence thereof transferred to them, upon presenting to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right, a copy of an affidavit and certificate of the clerk of the probate division of the circuit court of the county in which the decedent was domiciled. The affidavit herein required may be made by any person having knowledge of the facts and shall set forth:

(1) That the decedent left no will or that his will has been admitted to probate; and

(2) That all unpaid debts, claims or demands against the decedent or his estate and all inheritance taxes due, if any, on the property transfers involved, have been or will be paid except that any liability by the affiant for the payment of unpaid claims or demands shall be limited to the value of the property received; and

(3) An itemized description and valuation of property of the decedent; and

(4) The names and addresses of persons having possession of the property; and

(5) The names, addresses and relationship to the decedent of the persons entitled to and who will receive the property; and

(6) The facts establishing the right to the property as prescribed by this section. The certificate of the clerk shall be annexed to or endorsed on the affidavit and shall show the names and addresses of the persons entitled to the described property under the facts stated in the affidavit and shall recite that the will of decedent has been probated or that no will has been presented to the court and that all inheritance taxes on the property, if any are due, have been paid.

3. A copy of the affidavit and certificate shall be filed in the office of the clerk of the probate division and copies thereof shall be furnished by the clerk.

4. The distributees mentioned in this section may establish their right to succeed to the real estate of the decedent by filing a copy of the foregoing affidavit and certificate of the clerk in the office of the recorder of deeds of each county where the real property is situated.

5. Upon compliance with the foregoing procedure, the personal property and real estate involved shall not thereafter be taken in execution for any debts or claims against the decedent, but such compliance has the same effect in establishing the right of distributees to succeed to the property as if complete administration was had; but nothing herein affects the right of secured creditors with respect to such property.

**473.107. Small estate appraised, when.**—The probate division of the circuit court in its discretion may order the appraisal of the property before a certificate is made under section 473.097 or before an order refusing letters is made under section 473.090. The appraisal shall be made by one or more appraisers appointed by the court and the cost thereof shall be paid by the persons entitled to the property in accordance with the order of the court.

**473.117. Persons disqualified from administering.**—1. No judge or clerk of the probate division of any circuit court, in his own county, or his deputy, no person under twenty-one years of age, or of unsound mind, no habitual drunkard, and, except as otherwise provided by law, no person who is a nonresident of this state, shall be executor or administrator. No executor of an executor, in consequence thereof, shall be executor of the first testator.

2. When any corporation is named as executor in any will hereafter executed, and qualifies as such, the presumption is that the will was not prepared by a salaried employee of such corporation; but upon the application of any heir or devisee, made in the probate division of the circuit court of the county for the removal of such executor, said presumption may be rebutted by evidence satisfactory to the court hearing the application, unless the will or some codicil or certificate attached thereto contains a recital that at or before the execution of the will the testator had advice or counsel in relation thereto from someone not under salary from such corporation. In the absence of such recital, the court may on such application and upon satisfactory evidence that said will was prepared by a salaried employee of the corporation revoke the appointment of and remove such corporation as executor.

**473.120. Form of letters testamentary.**—Letters of testamentary issued to executors may be in the following form: County of ..... ss.

The state of Missouri to all persons to whom these presents shall come, greeting: Know ye, that the last will of ....., deceased, has, in due form of law, been exhibited, proved and recorded, and inasmuch as it appears that ..... has been appointed executor in and by the said last will to execute the same and to the end that the property of the testator may be preserved for those who appear to have a legal right or interest therein, and that the said last will may be executed according to the request of the testator, we do hereby authorize ....., as such executor, to take possession and control of all personal property, owned by the said ..... at the time of his death, except the exempt property of the surviving spouse or unmarried minor children, in whosoever possession the same is found and to perform and fulfill all duties enjoined upon him by the will, so far as there shall be property and the law charges him, and in general to do and perform all other things which are required of him by law.

In testimony whereof, I, ....., clerk of the probate division of the circuit court in and for said county of ....., have hereunto signed my name and affixed the seal of said probate division, at office, this ..... day of ....., A.D. ....

.....  
Clerk of the Probate Division

**473.123. Form of letters of administration.**—Letters of administration issued in this state may be in the following form:

County of .....ss.

The state of Missouri to all persons to whom these presents shall come, greeting: Know ye, that whereas ....., late of the county of ....., died intestate, as it is said, having at the time of his death, property in this state, which may be lost, destroyed or diminished in value if speedy care be not taken of the same. To the end, therefore, that said property may be collected, preserved and disposed of according to law, we do hereby appoint ..... administrator of all personal property owned by ..... at the time of his death, except the exempt property of the surviving spouse or unmarried minor children, with full power and authority to secure and dispose of said property according to law, and collect all moneys due said decedent, and in general to do and perform all other acts and things which are required of him by law.

In testimony whereof, I ....., clerk of the probate division of the circuit court in and for the county of ..... aforesaid, have hereunto signed my name and affixed the seal of said probate division at office, this ..... day of ....., A.D. 19 .....

.....  
Clerk of the Probate Division

**473.127. Letters c.t.a. and d.b.n., form.**—In all cases where letters of administration with will annexed, letters of administration de bonis non, during minority, or absence, are issued by the judge or clerk of the probate division the same shall be issued in conformity to the foregoing forms, as near as may be, taking care to make the necessary variations, additions or omissions to suit each particular case.

**473.137. Administrator pending contest, appointed when—duties.**—1. If the validity of a will is contested by any person who, after a hearing in the probate division, is found to be interested in the probate of the will, the court shall grant letters of administration to the executor named in the will, if he has no beneficial interest in the estate save the compensation allowed by law to executors, upon giving bond in such amount as the court may require.

2. If, after such hearing, it appears that the executor named in the will has an interest adverse to any such contestant of the will, the court may, in its discretion, grant letters of administration to some disinterested person or corporation, who shall give proper bond.

3. An administrator appointed pursuant to this section shall proceed with the administration of the estate until termination of the will contest, at which time he shall account to the executor or legal administrator when qualified, and, if it shall appear to the court that the decedent died possessed of real estate in the state, the court shall direct him to take charge of and manage such real estate until the termination of such will contest.

**473.153. Compensation of executors, administrators and attorneys—allowance—attorneys only may appear in court.—1.** If a testator by will makes provision for the compensation of his executor or administrator, that shall be allowed and taken as his full compensation unless he files in the court a written instrument renouncing all claim for the compensation provided by the will before qualifying as executor or administrator. When no compensation is provided in the will, or when there is no will, or when the executor or administrator renounces all claim to the compensation provided in the will, the compensation of the executor or administrator shall be determined pursuant to this section. When there is only one executor or administrator he shall be allowed as the minimum compensation for his services the following percentages of the value of the personal property administered and of the proceeds of all real property sold under order of the probate court.

On the first .....	\$ 5,000,	5 percent;
On the next .....	20,000,	4 percent;
On the next .....	75,000,	3 percent;
On the next .....	300,000,	2¾ percent;
On the next .....	600,000,	2½ percent;
On all over .....	1,000,000,	2 percent;

In any case where reasonable compensation to the executor or administrator is in excess of the minimum provided in the above schedule; the court shall allow such additional compensation as will make the compensation of the executor or administrator reasonable and adequate. Performance by the executor or administrator of extraordinary services is not necessary to entitle him to such additional compensation. Such percentages shall be computed on the value of the personal property at the time of disbursement or distribution thereof, except that where it is necessary to allow compensation before the property is disbursed or distributed, or to allow compensation to an executor or administrator who has been succeeded by another executor or administrator, the court may determine the fair market value of property at the time of making the allowance and base such percentage thereon.

2. When there are two or more joint or successor executors or administrators they shall be allowed in the aggregate reasonable compensation for their services, not exceeding twice the minimum provided for in the schedule set forth in subsection 1 or five percent of the value of the personal property administered and of the proceeds of the real property sold under order of the probate division whichever is less, except that this maximum limitation shall not apply if possession has been taken of real property pursuant to order of the probate division but such real property has not been sold under order of the probate division or if extraordinary services have been performed. Where there are two or more joint or successor executors or administrators the compensation allowed them shall be apportioned among them by the court according to the services actually rendered by each, or as they may agree.

3. Attorneys performing services for the estate at the instance of the executor or administrator shall be allowed out of the estate as the minimum compensation for their services sums equal to the percentages set forth in the schedule contained in subsection 1. In any case where reasonable compensation to the attorneys is in excess of the minimum provided in the schedule the court shall allow such additional compensation as will make the compensation of the attorneys reasonable and adequate. Performance by the attorneys of extraordinary services is not necessary to entitle them to such additional compensation. If the executor or administrator is an attorney, no allowance shall be made for



legal services performed by him or at his instance unless such services are authorized by the will or by order of the court or are consented to by all heirs and devisees whose rights may be adversely affected by the allowance.

4. Compensation properly allowable hereunder may be allowed to executors, administrators or attorneys upon final settlement, or partial compensation upon application therefor, at any time or times during administration. If the court finds that an executor or administrator has failed to discharge his duties as such in any respect it may deny him any compensation whatsoever or may reduce the compensation which would otherwise be allowed. If the court finds that any attorney's services or actions in connection therewith are wrong, improper or injurious to the estate, no attorney fee whatever shall be allowed.

5. No executor or administrator, other than one who is an attorney, may appear in court except by attorney, and such attorney may not be a salaried employee of the executor or administrator, but when the executor or administrator is an attorney, nothing herein shall prevent his being represented in court by a partner, associate or employee who is an attorney. Any executor or administrator may prepare and file his own inventories and settlements.

**473.220. Inventory and appraisement.**—Within thirty days after letters are granted on the estate of a deceased member of any partnership, the surviving partner or partners shall file a verified inventory of the partnership in the probate division in which letters are issued on the estate, to be a part of the court records of the administration of the decedent's estate. If no letters are issued on the decedent's estate in this state the surviving partners shall file the inventory within sixty days after the death of a partner in the probate division of the circuit court of the county of which the decedent was a resident at the time of his death or, if a nonresident, in the probate division of the circuit court of the county in which the partnership had its principal business office in this state, the inventory to be indexed under the name of the deceased partner and also the name of the partnership and to be a part of the court records of the administration of the partnership. The inventory shall state the proportionate share of the deceased partner, the aggregate value of the assets of the partnership and the aggregate of its liabilities, but no detailed list of assets or liabilities is required unless ordered by the court. Upon the verified petition of any interested party or on its own motion the court, in its discretion, may order the surviving partners to file a detailed list of assets and liabilities of the partnership and it also may order that the assets of the partnership be appraised as provided by law for the appraisal of the assets of a decedent. On the request of any surviving partner, the court may issue a certificate reciting that he has filed an inventory of the assets of the partnership in accordance with this section and that he will be held to account to the executor or administrator of the estate of the decedent in accordance with the Uniform Partnership Law.

**473.223. Settlement.**—The surviving partner may continue in possession of the partnership estate, pay its debts, and settle its business, shall account to the executor or administrator of the estate of the decedent, and shall pay over such balances as from time to time are payable to him. Upon the verified petition of the executor or administrator or on its own motion the probate division whenever it appears necessary may order the surviving partner to account to the court.

**473.227. Security.**—If the surviving partner commits waste or if it appears to the court that it is for the best interest of the estate of the decedent, the probate division may order the surviving partner to give security for the faith-

ful settlement of the partnership affairs and the payment to the executor or administrator of any amount due the estate.

**473.230. Citation of partner.**—If the surviving partner fails or refuses to file the inventory, list of liabilities, or appraisal or it appears proper to order the surviving partner to account to the probate division or to file a bond, the court shall order a citation to issue requiring the surviving partner to appear and show cause why he has not filed an inventory, list of liabilities, or appraisal or why he should not account to the court or file a bond. The citation shall be served not less than ten days before the return day designated therein and shall be served and returned in the manner provided for summons in civil cases. If the surviving partner neglects or refuses to file an inventory, list of liabilities, or appraisal or fails to account to the court or to file a bond, after he has been directed to do so, the court may commit him to jail until he complies with the order of the court. Where the surviving partner fails to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate with like powers and duties of receivers in chancery, and order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of decedent, or by the surviving partner personally or partly by each of the parties.

**473.307. Notice—hearing—intervention.**—Upon the filing of a petition for specific execution of the contract, the court shall fix the time and place for hearing thereon. Notice of the filing of the petition and of the time and place of hearing thereon, together with a copy of the petition, shall be served on the executor or administrator twenty days before the date of the hearing. The court may order notice of the filing of the petition and of the time and place of hearing to be served by registered mail on the interested heirs or devisees whose addresses appear in the court's file and records in the estate. Any interested heir or devisee may appear and intervene, upon written application to intervene filed prior to the time of the hearing.

**473.313. Action for specific performance—proceedings in probate division of circuit court.**—A party entitled to specific execution of a contract for the conveyance of real estate shall proceed in the probate division of the circuit court under sections 473.303 and 473.307.

**473.340. Discovery of assets, procedure for.**—1. Any executor, administrator, creditor, beneficiary or other person who claims an interest in personal property which is claimed to be an asset of an estate or which is claimed should be an asset of an estate may file a verified petition in the probate division of the circuit court in which said estate is pending seeking determination of the title, or right of possession thereto, or both. The petition shall describe the property, if known, shall allege the nature of the interest of the petitioner and that title or possession of the property, or both are being adversely withheld or claimed. The court may order the joinder, as a party, of any person who may claim an interest in or who may have possession of any such property.

2. Service of summons, petition and answer thereto together with all subsequent proceedings shall be governed by the Missouri Rules of Civil Procedure. Any party may demand a jury trial. If any party demands a jury trial, the judge of the probate division may certify the cause for assignment in the manner provided in subsection 2 of section 517.520.

3. Upon a trial of the issues, the court shall determine the persons who have an interest in said property together with the nature and extent of any such

interest. The court shall direct the delivery or transfer of the title or possession, or both, of said property to the person or persons entitled thereto and may attach the person of any party refusing to make delivery as directed. If the party found to have adversely withheld the title or possession, or both, of said property has transferred or otherwise disposed of the same, the court shall render a money judgment for the value thereof with interest thereon from the date the property, or any interest therein, was adversely withheld. In addition to a judgment for title and possession, either, or for the value thereof, the court may enter a judgment for all losses, expenses and damages sustained, if any, but not including attorney fees, if it finds that the property was wrongfully detained, transferred or otherwise disposed of.

4. If the court finds that a complete determination of the issues cannot be had without the presence of other parties, the court may order them to be brought in by an amended or supplemental petition. The court shall order the joinder of the personal representative of the estate if he is not named as a party.

**473.360. Limitations on filing of claims.**—1. Except as provided in sections 473.367 and 473.370, all claims against the estate of a deceased person, other than costs and expenses of administration and claims of the United States and tax claims of the state of Missouri and subdivisions thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract or otherwise, which are not filed in the probate division within six months after the first published notice of letters testamentary or of administration, are forever barred against the estate, the executor or administrator, the heirs, devisees and legatees of the decedent. No contingent claim based on any warranty made in connection with the conveyance of real estate is barred under this section.

2. Unless written notice of actions instituted or revived under section 473.363 or 473.367 is filed in the probate division within six months after the first published notice of letters, no recovery may be had in any such action on any judgment therein against the executor or administrator out of any assets being administered upon in the probate court or from any distributee or other person receiving the assets.

3. All claims barrable under the provisions of subsection 1, in any event, are barred if administration of the estate is not commenced within three years after the death of the decedent.

4. Nothing in this section affects or prevents any action or proceeding to enforce any mortgage, pledge or other lien upon property of the estate; except that attachment, judgment and execution liens shall be enforced as provided in this law and not otherwise.

**473.363. Suits pending at death of decedent deemed filed, when—personal representative to list known action.**—1. Any action pending against any person at the time of his death, which, by law, survives against the executor or administrator, is considered a claim duly filed against his estate from the time substitution of the executor or administrator for the deceased defendant, or motion therefor, is made and written notice thereof is filed in the probate division.

2. Within ninety days after the appointment of an executor or administrator, he shall file with the probate division a verified statement of all actions, known to him, pending against his decedent at decedent's death. Within the period of ninety days, the executor or administrator of a decedent against whom any action was pending at the date of death, known to the executor or administrator, shall notify in writing all adverse parties to the action or their attorneys of record therein, if any, and the clerk of the court in which the action was pending, stating

the date of decedent's death, the name of the court which granted letters testamentary or of administration, the name and address of the person or persons to whom the letters were granted, the number of the estate, and the date of the first publication of notice of granting the letters testamentary or of administration. Nothing herein contained, however, shall be construed as extending, suspending, or in any other way affecting the period of nonclaim provided by section 473.360. In the case of the corporate executor or administrator, the corporation shall be chargeable with the knowledge of the individual or individuals conducting the administration of the estate. In the case of multiple executors or administrators, an executor or administrator having no knowledge of the pendency of a suit against the decedent shall not be chargeable with the knowledge of a coexecutor or coadministrator. No executor or administrator shall have any liability for failing to give notice.

**473.367. Actions deemed filed, when.**—Any action commenced against an executor or administrator, after death of the decedent, is considered a claim duly filed against the estate from the time of serving the original process on the executor or administrator, and the filing of a written notice in the probate division of the institution of such action.

**473.370. Establishment of claim by judgment—judgment deemed filed, when.**—1. A person having a claim against an estate may establish the same by the judgment or decree of some circuit judge, in the ordinary course of proceeding, upon filing a copy of the judgment or decree in the probate division. Copies of unsatisfied judgments or decrees of any court rendered in the lifetime of the decedent shall also be filed in the probate division.

2. Except where notice of revival of an action or of institution of an action is filed as required by section 473.363 or 473.367, any judgment or decree is deemed filed within the meaning of section 473.360 as of the time a copy of the judgment or decree is filed in the probate division as required by this section.

**473.373. Court to classify judgments and allowed claims.**—When a judgment is filed in the probate division, and when claims are allowed against an estate, the court shall determine the class thereof, and the clerk shall make entries thereof in his abstract, and when thus classed the executor or administrator may satisfy the claims according to their classification. Subject to approval or rejection by the court on final settlement the executor or administrator shall classify all claims of one hundred dollars or less which are paid before being allowed by the court under section 473.403, in accordance with the provisions of section 473.397.

**473.377. Plaintiff to pay costs in suits in division of circuit court other than probate division.**—If a person commences suit against an estate on any claim based on any express or implied contract in a division of the circuit court, other than the probate division, he may recover judgment but shall be adjudged to pay all costs. This section does not apply to suits not cognizable in the probate division.

**473.393. Collection of contingent claims from distributees—limitations—contribution.**—If a contingent claim has been filed and allowed against an estate and all the assets of the estate including the fund, if any, set apart for the payment thereof, has been distributed, and the claim thereafter becomes absolute, the creditor may recover thereon against those distributees whose distributive shares have been increased by reason of the fact that the amount of the claim as finally determined was not paid prior to final distribution, if an action therefor is com-

menced within six months after the claim becomes absolute. The distributees are jointly and severally liable, but no distributee is liable for an amount exceeding the amount of the estate or fund distributed to him. If more than one distributee is liable to the creditor, he shall make all distributees who can be reached by process parties to the action. By its judgment the court shall determine the amount of the liability of each of the defendants as between themselves, but if any is insolvent or unable to pay his proportion, or beyond the reach of process, the others, to the extent of their respective liabilities, nevertheless are liable to the creditor for the whole amount of his debt. If a person liable for the debt fails to pay his just proportion to the creditor, he is liable to indemnify all who, by reason of the failure on his part, have paid more than their just proportion of the debt, the indemnity to be recovered in the same action or in separate actions.

**473.420. Jury trial—costs—transfer.**—1. Whenever a claim or offsets or counterclaims thereto exceed one hundred dollars and either party demands a jury, one shall be summoned and the trial conducted before it; in all other cases the claim, offsets and counterclaims shall be tried by the court without a jury. A party, other than an executor or administrator, demanding a jury, before the same is summoned, shall deposit with the clerk an amount as estimated by the judge or clerk to be sufficient to pay the costs of the jury.

2. When a demand for jury trial is made, the judge of the probate division, on his own motion or an application of any interested party, may certify the cause for assignment in the manner provided in subsection 2 of section 517.520.

**473.623. Contribution between devisees.**—When it is necessary under the provisions of section 473.620, that there be an abatement of specific devises, whether of real or personal property, the court may by order determine the manner in which such abatement shall be accomplished, so that the burden of such abatement will be borne by all specific devisees proportionately according to the value of their respective specific devises, and if any specific devise is sold or applied to accomplish such abatement, the other specific devisees shall be obligated to contribute the respective amounts necessary so that the burden of such abatement will be borne proportionately as provided in this section. The court in its order shall determine the respective amounts to be so contributed and the same may be recovered by the executor or administrator or by the devisees entitled thereto.

**473.643. Property sold to effect partition, when.**—1. If personal property cannot be divided in kind with advantage to the distributees, and it is not to their advantage that the same be sold by the executor or administrator, then, upon the application of a majority of those entitled to distribution, the court may order the same to be delivered to such person as they designate, in which selection minors shall act by their guardian, who shall proceed to collect, by suit or otherwise, all notes, accounts and choses in action so received in the name of the distributees, and dispose of all property so coming into his possession or under his control to their best interest, collecting the proceeds thereof, and distribute all moneys realized to the parties entitled thereto.

2. Such person, in the discretion of the court, may be required to give bond to the state of Missouri, with good securities, in such sum as the court may deem proper, for the faithful discharge of his duty, and for payment of parties entitled thereto of all moneys collected.

3. The party may be discharged from the trust upon his application, or upon the application of a majority of the heirs, when it appears to the court that it is not for the best interest of distributees that the trust be continued.

**473.697. Seven years absence presumption of death—granting of letters, notice.**—Whenever application shall be made to any probate division for letters of administration upon the estate of any person supposed to be dead, because of the absence of such person for seven consecutive years from the place of his last known domicile within this state, or because, having been a resident of this state, such person has heretofore gone from and has not returned to this state for seven consecutive years, or, because, having been such resident of this state, such person shall hereafter go from and shall not return to this state for seven consecutive years, or, because being a resident of this state, such person shall have so concealed or conducted himself within this state that he shall not have been heard of for seven consecutive years by the judge of the probate division having jurisdiction of his estate, or by the persons interested therein, then said court, if satisfied that the applicant would be entitled to such letters if the supposed decedent were in fact dead, shall cause a notice to such supposed deceased person to be published in a newspaper, published in the county, once a week for four consecutive weeks, setting forth the fact that such application has been made, together with notice that on a day certain, which shall be at least two weeks after the last publication of such notice, the court will hear evidence concerning the alleged absence of the supposed decedent, and the circumstances and duration thereof. The persons applying for such letters of administration shall file a petition verified by affidavit, stating the facts upon which such application is based and the place where such supposed deceased person resided when last heard from by him or by any person within his knowledge.

**473.707. Issuance of letters, when.**—If, within such period of twelve weeks, evidence shall not be offered satisfactory to the court that said supposed decedent is in fact still living, then it shall be the duty of the court to issue letters of administration to the party entitled thereto; and said letters, until revoked, and all acts done in pursuance thereof and in reliance thereupon, shall be as valid as if the supposed decedent were in fact dead.

**473.710. Revocation of letters, when—effect—procedure.**—The court may revoke said letters of administration at any time, upon satisfactory proof that the supposed decedent is in fact alive. After such revocation all the powers of the administrator shall cease, but all receipts and disbursements of assets, and other acts previously done by him, shall remain as valid as if said letters were unrevoked; and the administrator shall thereupon make a settlement of his administration to the date of revocation, and shall transfer all assets remaining in his hands to said supposed decedent, or to his duly authorized agent or attorney; provided, nothing in sections 473.697 to 473.720 contained shall validate the title of any person to any money or property received as widow, next of kin or heir of such supposed decedent, but the same may be recovered from such parties in all cases in which such recovery could be had if said sections had not been passed.

**473.713. Distributees to give bond before receiving estate.**—Before the distribution of the proceeds of the estate of such supposed decedent shall be made, the persons entitled to receive the same, respectively, shall enter into a bond to the state of Missouri, with sufficient security, to be approved by the court having jurisdiction of said estate, in such sum and in such form as the court shall direct, conditioned that if said supposed decedent shall in fact be alive at the time of such distribution, then the distributees shall refund the amount received by them, on demand, with interest thereon from the date of such demand; but if

any person entitled to receive such distribution shall be unable to give the security aforesaid then the money which he would be entitled to receive shall be paid over to the county treasurer, and by him loaned at the highest rate of interest obtainable, on security approved by said probate court, which interest shall be paid annually to the person entitled thereto, and such money shall remain so at interest until the security aforesaid is given, or the court, upon application, shall order it to be paid to the person or persons entitled to receive the same.

**473.730. Public administrators—election—oath—bond.**—Every county in this state, and the City of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and curator in and for his county. Before entering on the duties of his office, he shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that he will faithfully discharge all the duties of his office, which said bond shall be given and oath of office taken on or before the first day of January following his election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in his hands or under his control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

**473.747. Public administrator shall be ex officio public guardian.**—The public administrator shall be ex officio public guardian and shall have charge of all estates of minors that may, by the order of the court, be placed in his charge, and in such cases he shall be known and designated as public guardian.

**473.753. Notice of administration, when and how given—penalty for failure.**—It shall be the duty of every public administrator immediately upon taking charge of any estate, except those of which he shall have taken charge under the order of the court, for the purpose of administering the same, to file a notice of the fact in the office of the clerk of the court. If any public administrator shall fail to file the notice provided for in this section, he shall forfeit and pay to the persons entitled to the estate a sum not exceeding two hundred dollars, to be recovered before said court, on motion, and after reasonable notice thereof to said public administrator; and said court may, in its discretion, remove such public administrator from office.

**473.763. Court may order him to account to successor, when.**—The court may at any time, for good cause shown, order the public administrator to account for and deliver all money, property or papers belonging to any estate in his hands to his successor in office, or to the heirs of said estate or to any executor or administrator regularly appointed, as provided by law.

**473.767. Public administrator to continue in charge for year—discharge—compensation.**—1. The public administrator shall before the first court day after the expiration of one year after his successor in office has qualified, file his final settlement as required by section 473.540 for all estates in his charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon his own motion, shall order the

public administrator to account for and deliver all money, property or papers belonging to all estates in his hands in which final settlement can not be made, to his successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. When the public administrator turns over the assets of an estate to his successor in office, or to any other executor or administrator regularly appointed, and before any final distribution has been made of the assets of the estate, the judge of the probate division shall allow him compensation based on the proportionate part of the services and trouble rendered for the period of time the public administrator actually served as administrator, but compensation for services rendered by both the original and succeeding administrator who completes the work of such administration shall not exceed a commission of five percent on personal property and all money arising from the sale of real estate.

**473.770. Deputies, appointment, tenure, powers (counties of class one).—1.** Whenever in the judgment of any public administrator in any county of the first class, it is necessary for the proper and efficient conduct of the business of his office that he appoint any deputies to assist him in the performance of his official duties as public administrator or as executor, administrator, guardian or curator in any estates wherein he has been specially appointed, the public administrator may appoint one or more deputies to assist him in the performance of his duties as public administrator and as executor, administrator, guardian or curator in the estates wherein he has been specially appointed. The appointment shall be in writing and shall be filed with the court, and, upon the filing, the court shall issue under its seal a certificate of the appointment for each deputy, stating that the appointee is vested with the powers and duties conferred by this section. The certificate shall be valid for one year from date, unless terminated prior thereto, and shall be renewed from year to year as long as the appointment remains in force, and may be taken as evidence of the authority of the deputy. The appointment and authority of any deputy may at any time be terminated by the public administrator by notice of the termination filed in the court and upon termination the deputy shall surrender his certificate of appointment.

2. The compensation of each such deputy shall be prescribed and paid by the public administrator out of the fees to which he is legally entitled, and no part of such compensation shall be paid out of any public funds or assessed as costs or allowed in any estate.

3. Each deputy so appointed shall be authorized to perform such ministerial and nondiscretionary duties as may be delegated to him by the public administrator, including:

(1) Assembling, taking into possession, and listing moneys, checks, notes, stocks, bonds and other securities and all other personal property of any and all estates in the charge of the public administrator;

(2) Depositing all moneys, checks and other instruments for the payment of money in the bank accounts maintained by the public administrator for the deposit of such funds;

(3) Signing or countersigning any and all checks and other instruments for the payment of moneys out of such bank accounts, in pursuance of general authorization by the administrator to the bank in which the same are deposited, as long as such authorization remains in effect;

(4) Entering the safe deposit box of any person or decedent whose estate is in the charge of the public administrator and any safe deposit box maintained by the public administrator for the safekeeping of assets in his charge, as a deputy



of the public administrator, pursuant to general authorization given by the public administrator to the bank or safe deposit company in charge of any such safe deposit box, as long as such deputy-authorization remains in effect, and withdrawing therefrom and depositing therein such assets as may be determined by the public administrator. The bank or safe deposit company shall not be charged with notice or knowledge or any limitation of authority of the authorized deputy, unless specially notified in writing thereof by the public administrator, and may allow the deputy access to the safe deposit box, in the absence of notice, to the full extent allowable to the public administrator in person.

4. The enumeration of the foregoing powers shall not operate as an exclusion of any powers not specifically conferred. No authorized deputy shall exercise any power, other than as prescribed in this section, which shall require the exercise of a discretion enjoined by law to be exercised personally by the executor, administrator, guardian or curator in charge of the estate to which the discretionary power refers.

**474.290. Homestead allowance—partition of real estate selected, procedure—waiver.**—1. At any time after the return of the inventory, the court, on application of the surviving spouse or of the guardian or person having custody of the persons of the unmarried minor children of a decedent, shall make an allowance to the surviving spouse or unmarried minor children of an amount not exceeding fifty percent of the value of the estate, exclusive of exempt property, and the allowance made under section 474.260, but in no case shall the allowance exceed seven thousand five hundred dollars. Such allowance shall be known as a homestead allowance and is in addition to the exempt property and the allowance to the surviving spouse and unmarried minor children under section 474.260. The homestead allowance is exempt from all claims against the estate. The homestead allowance shall be offset against the share to which the surviving spouse or any minor child who receives it is entitled as a distributee of the estate, but the allowance shall not be diminished if it is greater than the distributive share. The allowance may consist, in whole or in part, of money or property, real or personal and subject to the provisions of section 473.620, RSMo, property may be selected as hereinafter provided. The homestead allowance is the property of the surviving spouse, if any; otherwise it is the property of the unmarried minor children in equal shares. When a decedent is survived by married minor children or children of full age, or both, and also by unmarried minor children but no spouse, the homestead allowance as determined under the foregoing provisions of this section shall be divided by the total number of all of the children of the decedent and the shares of the unmarried minor children as so determined shall, notwithstanding the foregoing provisions, constitute the homestead allowance. The selection of property shall be made by the surviving spouse, if any, otherwise by the guardian of each unmarried minor child for such child, or by a person designated by the court, but no real estate may be selected or included in any homestead allowance unless selection of the specific real estate is requested in the application filed within the time provided by subsection 7.

2. If real estate is included in the homestead allowance, the executor or administrator shall convey the same as determined by this section by deed to the person entitled thereto.

3. If a surviving spouse selects, as a homestead allowance, an interest in property having a value in excess of the homestead allowance, the court shall order the executor or administrator to convey the property to the surviving spouse upon the payment to the estate by such spouse of an amount of money equal to the difference between the value of the property and the homestead allowance

or it shall order the executor or administrator to convey an undivided interest in the property to the surviving spouse which is equivalent to the ratio which the homestead allowance bears to the value of the property, at the option of the spouse.

4. If the court finds that real estate selected by the surviving spouse is a part of a larger tract and that the real estate selected may be separated from the residue of the larger tract without great prejudice to the owners, the court may proceed to set off to the surviving spouse the real estate constituting the homestead allowance in the same manner as provided by sections 528.200 to 528.240, RSMo, for the partition of real estate, and this portion so set off shall be conveyed by the executor or administrator, by deed, to the surviving spouse.

5. In all proceedings under this section the court may order such appraisals of the property selected as it deems necessary and it shall determine the value of the property after due notice to all interested parties in manner as ordered by the court under section 472.100, RSMo, and hearing pursuant thereto.

6. If within five days after court's determination of the value of the property any interested party files written exception thereto and avers therein that the amount so determined is excessive or inadequate and if the court finds that a sale of the property would be in the best interests of the estate, then the court, in lieu of the procedures provided in subsections 1 and 2, may order a public sale of such property in the manner provided by sections 473.507 and 473.510, RSMo. Upon such sale, if the surviving spouse be the high bidder, the amount of the homestead allowance shall be credited against the purchase price. Within ten days after such sale a report thereof shall be filed and upon approval thereof by the court, the executor or administrator shall execute, acknowledge and deliver a conveyance to the purchaser according to the order of approval which in form and substance shall be the same as that provided for in subsection 2 of section 473.520, RSMo, omitting any reference to certificate of appraisal.

7. If no application for the setting apart and allowance herein authorized is filed within ten days after expiration of the time allowed for filing of claims, the homestead allowance is deemed waived by the surviving spouse or the unmarried minor children and the spouse or the unmarried minor children have no right to homestead or homestead allowance under any law of this state.

8. The allowance made under this section is in lieu of all dower and homestead rights in the property of a decedent. After January 1, 1956, no right of homestead under sections 513.495 and 513.500, RSMo, vests in the surviving spouse or minor children of any decedent, but neither this section nor the repeal of sections 513.495 and 513.500, RSMo, affects homestead rights heretofore vested in any surviving spouse or minor children.

**474.510. Deposit of will in court in testator's lifetime.**—1. A will may be deposited by the person making it, or by some person for him, with the probate division of any circuit court, to be safely kept until delivered or disposed of as hereinafter provided. The clerk of the court, on being paid a fee of three dollars therefor, shall receive and keep the will, and give a certificate of deposit for it.

2. Every will intended to be deposited shall be enclosed in a sealed wrapper, which shall have endorsed thereon "Will of", followed by the name of the testator. The clerk of the court shall endorse thereon the day when, and the person by whom, it was delivered. The wrapper may also be endorsed with the name of the person to whom the will is to be delivered after the death of the testator. It shall not be opened or read until delivered to a person entitled to receive it, or otherwise disposed of as hereinafter provided.

3. During the lifetime of the testator, the will shall be delivered only to him,

or to some person authorized by him by an order in writing duly proved by the oath of a subscribing witness. After his death, the clerk shall notify the person named in the endorsement on the wrapper of the will, if there is a person so named, and deliver it to him.

4. If the will is not delivered to a person named in the endorsement on the wrapper, it shall be publicly opened in the court within thirty days after notice of the testator's death, and be retained by the court until offered for probate. Notice shall be given to the executor named therein and to such other persons as the court may designate. If the proper venue is in another court, the will shall be transmitted to such court; but before such transmission a true copy thereof shall be made and retained in the court in which the will was deposited.

**474.530. Wills heretofore probated, effect—evidence.**—All wills heretofore proved and admitted to probate, not afterward rejected by the court, the records of the court not showing approval of such acceptance and probate during a regular session by the court, and which have been spread upon the records of said court for ten years have the same force and effect and shall be received as evidence in all the courts of this state, as though properly approved and probate confirmed at a regular session of the court.

**475.040. Change of venue.**—If it appears to the court, acting on the petition of the guardian or of a minor ward over the age of fourteen, or on its own motion, at any time before the termination of the guardianship, that the proceeding was commenced in the wrong county, or that the domicile of the ward has been changed to another county, or in case of guardianship of the estate that it would be for the best interest of the ward and his estate, the court may order the proceeding with all papers, files and a transcript of the proceedings transferred to the probate division of the circuit court of another county. The court to which the transfer is made shall take jurisdiction of the case, place the transcript of record and proceed to the final settlement of the case as if the appointment originally had been made by it.

**475.055. Qualifications of guardians.**—1. Except as herein otherwise provided:

(1) Any natural person of full age may be appointed guardian of the person or of the estate or of both of a minor or incompetent, except that a parent shall not be denied appointment as guardian of the person of a minor for the reason that the parent is a minor;

(2) Any charitable organization, incorporated under the laws of this state, which has custody of the person of a minor or incompetent and which has power under its charter to so act, may be appointed guardian of the person or of the estate or of both of such minor or incompetent;

(3) Any corporation authorized to do business in this state and empowered by its charter to so act or any national banking association authorized to so act in this state may be appointed guardian of the estate.

2. No judge of the probate division of the circuit court or sheriff or clerk of the probate division of the circuit court or deputy of either in his own county, no person under twenty-one years of age, other than as provided in subsection 1, or of unsound mind, no habitual drunkard or narcotic addict and, except as otherwise provided by law, no person who is a nonresident of this state, shall be appointed guardian of the person or of the estate. No person whose letters of guardianship are revoked for failure to make settlement, shall be appointed guardian within two years after the revocation. No one shall be appointed guardian of the person unless he is qualified to have the care and custody, and in case of a minor

ward to provide for the training and education of the ward, and, except as provided in this section, unless he is a natural person.

**475.095. Guardian of the estate of nonresident minors and incompetents.—1.** If any minor or incompetent domiciled and residing without this state has any estate within this state, the probate division of the circuit court of the county in which the estate or any part thereof may be may appoint some competent person to be guardian of the estate of the minor or incompetent and the guardianship which is first lawfully granted of the estate of the minor or incompetent extends to all of the estate of such minor or incompetent within this state and excludes the jurisdiction of every other court.

2. The court and the guardian of the estate of the minor or incompetent have the same powers and shall perform the same duties, and are under the same restrictions and requirements, in all respects, as far as the same may apply, as provided in this code for the court and the guardians of estates of resident minors or incompetents.

**475.100. Bond of guardian—additional or new security.—1.** Every guardian of a minor or incompetent, before entering upon the duties of his office, shall execute and file a bond, approved by the court, procured at the expense of the estate with sufficient surety in an amount fixed by the court at not less than double the value of the personal estate and one year's income from the estate except that where a corporate surety bond is provided the court may fix the bond in an amount not less than the actual value of the personal property of the estate and one year's income from the estate. Sections 473.157 to 473.217, RSMo, relating to the bonds of executors and administrators, except subsection 1 of section 473.157, RSMo, and subsection 1 of section 473.180, RSMo, are applicable to the bonds of guardians.

2. The court may, at any time, require any guardian to give a new bond or additional security, as the circumstances of the case require; and if any order for that purpose is not complied with within the time therein stated the appointment of the guardian may be revoked, and another appointed who will give the bond and security required.

**475.105. Letters of guardianship, form—evidence.—1.** When a duly appointed guardian has given bond, as required by law, and the bond has been approved, letters under the seal of the court shall be issued to him. Such letters shall specify whether the guardianship is of the person, or of the estate, or of both, and the original or duly certified copies thereof shall be prima facie evidence of the facts therein stated.

2. Letters of guardianship for minors may be in the following form:

State of Missouri	)	IN THE PROBATE
	) ss.	
County of .....	)	DIVISION OF THE
		CIRCUIT COURT OF
		THE COUNTY OF
		MISSOURI

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREET-  
ING:

KNOW YE, That on the ..... day of ..... 19 .....,  
..... was duly appointed by the Probate Division of

the Circuit Court of ..... County, Missouri, as guardian of the (person and estate) (person) (estate) for the following minor:  
 ....., born on the ..... day of .....,  
 ....., born on the ..... day of .....,  
 ..... and the said ..... duly qualified as such guardian, and gave bond in the sum of ..... Dollars, which bond was approved by the court. By reason thereof said ..... is authorized and empowered to take upon ..... self the performance of the duties of such guardian, and to have the (custody of the person and charge of the state), (care and custody of the person), (care and custody of the state) of the above named minor ..... under the supervision of the court.

IN TESTIMONY WHEREOF, I, ..... Judge, Clerk, of the Probate Division of the Circuit Court in and for the County of ..... Missouri, sign my name hereto and affix the seal of said court in the city of ....., County of ....., State of Missouri, this ..... day of ....., 19 .....

Judge

Clerk

Recorded this ..... day of ..... 19 ....., in book ..... at page .....

Probate Clerk

3. Letters of guardianship for incompetents may be in the following form:

State of Missouri ) IN THE PROBATE  
 ) ss.  
 County of ..... ) DIVISION OF THE  
 ) CIRCUIT COURT OF  
 ) THE COUNTY OF  
 )  
 ) MISSOURI

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETINGS: KNOW YE, That on the ..... day, of ..... 19....., ..... was duly appointed by the Probate Division of the Circuit Court of ..... County, Missouri, as guardian of the (person and estate) (person) (estate) for ....., a person adjudged to be incompetent as defined in the laws of Missouri, and the said ..... duly qualified as such guardian, and gave a bond in the sum of ..... Dollars, which bond was approved by the court. By reason thereof said ..... is authorized and empowered to take upon ..... self the performance of the duties of such guardian and to have the (custody of the person and charge of the estate), (custody of the person), (care and custody of the estate) of the above named incompetent under the supervision of the court.

IN TESTIMONY WHEREOF, I, ..... Judge, Clerk of the Probate Division of the Circuit Court in and for the County of ..... Missouri, sign my name hereto and affix the seal of said court in the city of ....., County of .....,

State of Missouri, this ..... day of ....., 19 .....  
 .....  
 Judge  
 .....  
 Clerk  
 Recorded this ..... day of ..... 19 ....., in book  
 ..... at page .....  
 .....  
 Probate Clerk

**475.125. Support and education of ward and dependents.**—The court may make orders for the management of the estate of the ward, for the support and education of the ward, if a minor, for the restraint, maintenance and safekeeping of the ward and for the maintenance of his family and education of his children, if an incompetent, according to his means and obligation, if any, out of the proceeds of his estate, and may direct that payments for such purposes shall be made weekly, monthly, quarterly, semiannually or annually. The payments ordered under this section may be decreased or increased from time to time as ordered by the court. Appropriations for any such purposes, expenses of administration and allowed claims shall be paid from the personal property or income of the estate. The court may authorize the guardian to borrow money and obligate the estate for the payment thereof if the court finds that funds of the estate for the payment of such obligation will be available within a reasonable time and that the loan is necessary for the support, safekeeping or restraint of the ward or for the maintenance of his property or for the support of his family if the ward is incompetent. If payments are made to another under the order of the court, the guardian of the estate is not bound to see the application thereof.

**475.130. General duties and powers of guardian of estate.**—1. The guardian of the estate of a minor or incompetent shall, under supervision of the court, protect and preserve the estate, invest it prudently, apply it as provided in this code, account for it faithfully, perform all other duties required of him by law, and at the termination of the guardianship deliver the assets of the ward to the persons entitled thereto.

2. The guardian of the estate shall take possession of all of the ward's real and personal property, and of rents, income, issue and profits therefrom, whether accruing before or after his appointment, and of the proceeds arising from the sale, mortgage, lease or exchange thereof. Subject to such possession, the title to all such estate, and to the increment and proceeds thereof, is in the ward and not in the guardian.

3. The guardian of the estate shall prosecute and defend all actions instituted in behalf of or against his ward; collect all debts due or becoming due to his ward, and give acquittances and discharges therefor, and adjust, settle and pay all claims due or becoming due from his ward, upon such terms as may be prescribed by the court so far as his estate and effects will extend, except as provided in sections 507.150 and 507.188, RSMo.

**475.140. Notice of guardianship of incompetent—form.**—The clerk, as soon as letters of guardianship of the estate of any incompetent are issued, shall cause to be published in some newspaper a notice of the appointment of the guardian, in which shall be included a notice to creditors of the incompetent to file their claims in the court or be forever barred. The notice shall be published once a

week for four consecutive weeks in accordance with section 472.100, RSMo. Such notice shall be in substantially the following form:

**TO ALL PERSONS INTERESTED IN THE ESTATE OF .....  
INCOMPETENT:**

On the ..... day of ....., 19 ....., .....  
..... was appointed guardian of the (person and estate)  
(estate) of ....., a person adjudicated incompetent under  
the laws of Missouri, by the Probate Division of the Circuit Court of  
..... County, Missouri. The business address of the guardian  
is .....

All creditors of said incompetent are notified to file their claims in the Probate Division of the Circuit Court within nine months from the date of first publication of this notice or be forever barred.

Date of first publication .....

.....  
Clerk of the Probate Division  
of the Circuit Court of  
..... County,  
Missouri

**475.180. Payment of mortgage on real estate.**—The court may, when to the interest of the estate of any minor or incompetent, authorize the guardian of the estate to pay the mortgage indebtedness on the real estate of the minor or incompetent out of the personal estate of the ward.

**475.195. Investment in real estate.**—1. When it appears that it would be for the benefit of a minor or incompetent to invest money in the hands of the guardian derived from any source, in real estate, the court may authorize the purchase of real estate therewith. But no such purchase is binding on the estate of the ward until reported by the guardian in writing, duly verified, to the court making the order and until the court, by an order of record, approves the purchase and directs the guardian to accept a conveyance of land and pay for the same.

2. Title to all lands shall be taken in the name of the ward. The court shall make such direction in the premises with reference to examination of the title thereto, and the form and contents of the deed and evidences of title, as it deems proper.

3. Prior to any purchase by the guardian, the land proposed to be purchased shall be appraised by three resident disinterested householders of the same county, appointed by the court, who shall file their report under oath, with the court.

**475.205. Claims against estate—procedure.**—All claims against the estate of a minor or incompetent, whether they constitute liabilities of the ward which arose before or after the guardianship, or liabilities incurred by the guardian for the benefit of the ward or his estate, except in case of claims arising in tort, may be filed in the probate division of the circuit court. Notice of any claim unless expressly waived in writing, shall be given as provided in section 473.400, RSMo, with respect to claims against estates of decedents. All such claims shall be proceeded upon and allowed or rejected in the same manners as is provided in the case of claims against the estate of a decedent.

**475.215. Assets of incompetent prorated, when.**—If there are not sufficient assets of the estate of the incompetent to pay in full all allowed claims which

are based on debts incurred before appointment of a guardian, the court shall make an order prorating the assets equally among the holders of the allowed claims.

**475.245. Deeds by guardian or successor—acknowledgment—evidentiary effect.**—1. Any guardian, having received payment of the purchase money for any real estate sold by him under this law, shall execute and deliver to the purchaser thereof deeds of conveyance for the same, referring in apt and appropriate terms to the order of the court, the advertisement and appraisal and description of the real estate, the time, place and terms of sale, and the payment of the purchase money, and conveying to the purchaser all the right, title and interest of the ward in the real estate sold. The recitals in the deed are prima facie evidence of the facts stated therein.

2. If any guardian, because of death, removal or other cause, fails to complete any sale, or make the deed, his successor, or if there be none, then the sheriff of the county, on order of the court, shall complete the sale or make the deed.

3. All deeds and conveyances executed by guardians shall be acknowledged and recorded as other instruments conveying real estate, and with like effect, and, when so acknowledged, shall be received in evidence in all courts of this state without further proof.

**475.250. Effect of conveyance.**—Every conveyance, mortgage, lease and assurance made under the order the probate division of a circuit court, pursuant to the provisions of this law, is as valid and as effectual as if the same had been executed by a person of full age and of sound mind.

**475.290. Final settlement required, when—notice.**—1. Guardians shall make final settlement of their guardianship at a time fixed by the court, either by rule or otherwise, within sixty days after termination of their authority. For the purpose of settlement, the guardian shall make a just and true exhibit of the account between himself and his ward, and file the same in the court having jurisdiction thereof, and cause a copy of the account, together with a written notice stating the day on which and the court in which he will make settlement, to be delivered to his ward or, in case of revocation or resignation, to the succeeding guardian or in case of death of his ward to his executor or administrator or other person designated by the court, at least twenty days before the date set for settlement.

2. If, for any cause, a copy of the account and written notice cannot be delivered to the ward or other person entitled thereto, the court may order notice of the filing of the account, and of the time and place at which final settlement is to be made, to be given by publication once a week for four weeks next before the date set for settlement in accordance with section 472.100, RSMo.

3. At the time specified in the notice, the court, upon satisfactory proof of the delivery of a copy of the account and written notice of the settlement to the ward or person entitled thereto, or his written waiver thereof, or in case the court has ordered notice to be given by publication, then upon proof of compliance with such order, shall proceed to examine the accounts of the guardian, correct all errors therein, if any there be, and make a final settlement with the guardian; or the court may, for good cause, continue the settlement and proceed therein at any time agreed upon by the parties or fixed by the court.

**475.340. Mortgage or sale of real estate of ward by nonresident guardian.**—

1. When a nonresident minor or incompetent, owning real estate in this state,



has a guardian in the state or territory in which he resides, the probate division of the circuit court in the proper county may authorize his guardian, either in person or by his agent, acting under power of attorney, to mortgage, or renew or extend any mortgage, on the ward's real estate in accordance with section 475.175, or to sell the real estate and receive the proceeds of sale, and in case the minor or incompetent dies before the sale is completed, the guardian or agent shall complete the sale and pay the proceeds to the administrator of the minor or incompetent.

2. Before any order is made for the payment of money to a nonresident guardian, or for the sale, mortgage, or renewal or extension of a mortgage on the property of his ward by him, he shall produce satisfactory evidence to the court that he has given bond and security, as guardian, in the state or territory in which he and his ward reside, in an amount sufficient under the laws of the state or territory in which he and his ward reside to cover the sum to be paid him or the appraised value of the property to be sold, in addition to such other property as is in his hands; and the proof shall consist of a copy of the record setting forth his appointment as guardian, and also a copy of his bond, executed as such, certified according to the act of congress which regulates the authentication of records.

**475.350. Incompetent public officer, proceedings.**—If any person adjudicated incompetent by the judge of the probate division of the circuit court is, at the time of the adjudication, a duly qualified public officer of this state, or of any county in this state, or of any municipality in this state, his office is deemed vacant, and the judge of the court holding the inquiry shall certify the fact of such adjudication to the officer or tribunal having power to fill the vacancy; and the vacancy shall be filled during the insanity of such officer.

**475.355. Apprehension and restraint of dangerous incompetent.**—1. If it appears to any associate circuit judge sitting in the probate division or to any circuit judge that any person, by reason of his mental condition is so far disordered in his mind as to endanger his own person or the persons or property of others, and that such person is not confined by the person having charge of him, or that there is no person having such charge and that information under section 475.075 or chapter 202, RSMo, has been filed, the judge may cause the person to be apprehended and may employ any person to confine him in some suitable place until the earliest reasonable date on which a hearing may be had on the information in the probate division of the circuit court and judgment rendered thereon.

2. The expenses of confinement under this section shall be paid by the guardian out of the estate of the incompetent or by the person bound to provide for and support the incompetent, or the same shall be paid out of the county treasury upon the order of the county court after the same is duly certified by the probate division of the circuit court.

**475.360. Recovery of competency, inquiry.**—For and on behalf of any person previously adjudged to be incompetent or of unsound mind by any court in the state of Missouri, there may be filed in the probate division of the circuit court of the county wherein he was adjudged incompetent or of unsound mind, a petition in writing, verified by oath or affirmation, alleging that subsequent to such adjudication he has fully recovered his mental health and been restored to his right mind and is now capable of managing his affairs, and the court wherein the petition is filed shall hold an inquiry as to the mental condition of the person in whose behalf the petition is filed. If the court, upon the inquiry, finds that

the person is not restored to his right mind, and such person, or anyone for him, within ten days after such finding, files with the court an allegation in writing, verified by oath or affirmation that the person is of sound mind and is aggrieved by the action and finding of the court, the court shall then cause the facts to be inquired into by a jury.

**475.365. Judgment, effect—appeal.—1.** If it is found that any person described in section 475.360 has been restored to his right mind and is mentally capable of managing his affairs, the court shall enter judgment of that fact, and the person shall thereupon be discharged from any care, custody or restraint to which he may be subjected. A certified copy of the judgment shall immediately be entered of record in any other court in which the person has been previously adjudicated a person of unsound mind, and the expense thereof taxed as costs in the present case.

2. If it is found that the person is not restored to his right mind, the person at whose instance the inquiry was made, in the discretion of the court, may be required to pay the costs of the proceedings.

3. Appeals shall be allowed from the probate division to the court of appeals or Supreme Court in like manner and with the same effect as now provided by section 472.170, RSMo, in all cases in which a final order, judgment or finding of any matter arising under the provisions of sections 475.360 and 475.365 has been entered.

**475.370. Exhaustion of incompetent's estate, county court to appropriate for support.—1.** If the estate of any incompetent person is insufficient to pay his debts, to maintain himself and family, or educate his children, his guardian may apply to the county court of the proper county, by petition, setting forth the particulars, and praying for an appropriation from the county treasury for the support of his ward.

2. The petition shall be accompanied by a true and perfect account of the guardianship, an inventory of the estate and effects, and a list of the debts due from such insane person, and it shall be verified by the affidavit of the petitioner.

3. If the county court is satisfied that the estate and effects are insufficient for the purposes above specified, it may order such sum to be paid to the guardian, out of the county treasury, as to it shall appear reasonable, and cause a warrant to be issued accordingly.

4. But no allowance shall be made, at any one time, for a period longer than one year, nor shall the order be made at any time, unless the guardian has duly accounted, and settled with the probate division of the circuit court, for the moneys and effects which have come to his hands for the support of his ward, out of the county treasury or otherwise.

**476.010. Courts of record.—**The supreme court of the state of Missouri, the court of appeals and the circuit courts in this state shall be courts of record, and shall keep just and faithful records of their proceedings.

**476.220. Judge may call special term for disposition of cause pending.—**Whenever in his opinion the public good requires, or whenever it is necessary for the dispatch of business, any circuit judge may by written order filed with the clerk, call a special term of court for the trial or other disposition of any civil or criminal cause or matter pending therein. At such term the court may exercise its ordinary and usual jurisdiction in all cases wherein the parties have been given five days' previous notice in writing of the calling of the term to be

given by the judge or clerk and served upon the parties or their attorneys or agents in the manner provided by section 506.100, RSMo, and likewise in all causes and matters where notice is waived.

**476.230. Grand jury may be summoned.**—The circuit judge, in his discretion, may order a grand jury to be summoned, and the court at such special term shall possess all the jurisdiction and have all the powers of a circuit court in criminal proceedings, at a regular term thereof.

**476.250. No court to sit on Sunday.**—No court shall be open or transact business on Sunday, unless it be for the purpose of receiving a verdict or discharging a jury; and every adjournment of a court on Saturday shall always be to some other day than Sunday, except such adjournment as may be made after a cause has been committed to a jury; but this section shall not prevent the exercise of the jurisdiction of any judge, when it shall be necessary in criminal cases, to preserve the peace or arrest the offender, nor shall it prevent the issuing and service of any attachment in a case where a debtor is about fraudulently to secrete or remove his effects, nor shall it prevent the issuing and service of such orders as exigencies may require.

**476.265. Judicial department, budget, procedure for formulation.**—1. The budget for the funding of the judicial department by the state for each fiscal year shall be formulated in the same manner as provided in subdivision (4) of subsection 6 of Section 1 of the Omnibus State Reorganization Act of 1974, as amended, and in section 33.220, except as otherwise provided in this section.

2. For purposes of budget procedures, the supreme court shall be considered as the head of the department. The chief judge of each district of the court of appeals with the approval of a majority of the judges of each district and the presiding judge of each circuit with the approval of a majority of the circuit and associate circuit judges of the circuit shall present their estimates for the districts and circuits, respectively, in the same manner as a division of a department of the executive branch of government.

3. The budget estimates prepared within the judicial department shall be provided to the budget director on or before October 1 in each year preceding the annual session of the general assembly.

4. Budgets shall be submitted by circuit and by district of the Courts of Appeal; provided, however, that budgeting on a district by district and circuit by circuit basis shall not preclude additional contingency appropriations which may be made for allocation by the supreme court as needed among the various districts and circuits.

**476.270. Expenditures of court to be paid out of county treasury—exceptions.**—All expenditures accruing in the circuit courts, except salaries and clerk hire which is payable by the state, except all expenditures accruing in the municipal divisions of the circuit court, and except as otherwise provided by law, shall be paid out of the treasury of the county in which the court is held in the same manner as other demands.

**476.290. Judges not to practice law—exception, municipal judges.**—No judge, except a part-time municipal judge, shall practice or act as counselor or attorney in any court within this state nor shall any clerk or deputy clerk, while he continues to act as such, plead, practice or act as counselor or attorney in any court within the county for which he is such clerk or deputy clerk, in his own name or in the name of any other person, under any pretense whatever.

**476.310. No judge or clerk to have partner—exception.**—No judge, clerk or deputy clerk of any court shall have any partner practicing in the court in which he is a judge, clerk or deputy clerk, except that the partner of a municipal judge who is not a full time judge may practice in other divisions of the circuit court if such practice does not involve municipal ordinance violation cases arising from a municipality which is served by such municipal judge.

**476.320. Judicial Conference of the State of Missouri established, members.**—There is hereby established "The Judicial Conference of the State of Missouri". The conference shall consist of the judges and commissioners of the supreme court and of the court of appeals, the circuit judges, associate circuit judges, and all judges and commissioners who have retired under any of the provisions of sections 476.450 through 476.595 heretofore or hereafter in effect. The chief justice of the supreme court, or in his absence the vice president elected by the executive council, shall be the presiding officer.

**476.340. Executive council shall be governing body, how formed.**—1. The governing body of the conference, between annual sessions, shall be the executive council. The executive council shall consist of the following members:

(1) The chief justice of the supreme court, or some member of the supreme court appointed by him;

(2) The presiding judge of each division of the supreme court, or some member of the division appointed by the presiding judge;

(3) One member of each district of the court of appeals elected biennially by the judges thereof, respectively;

(4) Nine circuit judges, other than judges of the probate division, three of whom shall be elected for three-year terms, one from each district of the court of appeals, by the circuit judges (other than judges of the probate division) of the district to represent each of the districts of the court of appeals, respectively; provided, that a judge whose circuit is in part in more than one district of the court of appeals may vote in and be elected to represent either district but not both. Six of the circuit judges on the council shall be elected for three-year terms by the circuit judges of the state; except that, of the six circuit judges first elected after September 28, 1977, two shall be elected for a one-year term, two shall be elected for a two-year term and two shall be elected for a three-year term. The supreme court shall designate which candidate shall run for the respective terms and shall establish procedures for the nomination and election of the judges to be elected to membership on the executive council;

(5) One judge of the probate division of circuit courts in counties having a population of more than thirty thousand inhabitants elected for a three-year term by the judges of the probate divisions of the circuit courts in such counties;

(6) One associate circuit judge elected for a three-year term by the associate circuit judges of the state; provided, however, that associate circuit judges who are included in the categories enumerated in subdivisions (5) and (7) of this subsection shall not be included among the associate circuit judges specified in subdivision (6);

(7) On associate circuit judge from counties having a population of thirty thousand inhabitants or less elected for a three-year term by the associate circuit judges in such counties;

(8) One retired judge or commission who is a member of the judicial conference elected for a three-year term by such judges and commissioners.

Members of the executive council on January 2, 1979, shall serve out their

terms and their replacements shall be elected under the provisions of this section.

2. The executive council shall have general supervision of the work of the conference and such other duties and authority as may be given to it under rules or resolutions adopted by the conference. The members of the executive council shall elect one of its members vice president to act in the absence of the chief justice.

**476.350. Duties of judicial conference, executive council and circuit judges.**

—1. It shall be the duty of said judicial conference and its executive council to study the organization, rules, methods of procedure, and practice of the judicial system of this state, the work accomplished, and the results produced by that system in its various parts and judicial tribunals; the problems of administration confronting the courts and the judicial system in general.

2. It shall be the duty of the presiding judge of each circuit, of the chief justice of the supreme court and of the chief judge of each district of the court of appeals to prepare and submit to the executive council, at such times and in such form as may be specified by rules of the conference, reports setting forth the condition of the docket and the business dispatched and pending in his court or the courts over which he presides, and such other facts pertinent to the business dispatched and pending as the conference or its executive council may deem proper. Such reports shall be public records and rules may be made for publication of the same or summaries thereof.

3. It shall be the duty of said conference through its executive council to make biennially to the general assembly of the state any recommendations it may deem proper for the modification or amelioration of existing conditions, for harmonizing and improving laws, or for amendments to the codes of practice and procedure, and concerning any statute or legislative act which has been declared unconstitutional.

4. The conference may authorize the presiding officer or the executive council to appoint such committees as are necessary to expedite the performance of the duties herein required. The conference may make and adopt such rules as it deems necessary to carry out the purposes and provisions of this law.

**476.380. Expense allowance for conference attendance.**—Each judge attending the annual meeting of the conference, and each member of the executive council attending meetings of the council not to exceed four times each year, shall receive his actual expenses of travel and his necessary expense for subsistence not to exceed thirty-five dollars per day, to be paid from the state treasury on order of the presiding officer certified to the state comptroller.

**476.451. Definitions.**—The meaning of the terms hereinafter defined shall encompass the following meanings except where the context clearly reveals otherwise:

(1) In sections 476.450 and 476.470, the term "section 25 of article V of the Constitution of Missouri" refers to the section of the Constitution which was so designated in the text of the Constitution prior to January 1, 1972.

(2) In section 476.450 and 476.453, the term "judge of the circuit court" means "circuit judge".

(3) In section 476.455, the term "section 29, article V of the Constitution" refers to the section of the Constitution which was so designated in the text of the Constitution prior to January 2, 1979, and refers to the nonpartisan court plan.

(4) In section 476.456, the term "courts provided for under sections 16 and

18, article V of the Constitution" refers to the probate and magistrate courts which were provided for in the Constitution prior to January 2, 1979, and the divisions of the circuit court after that date which replace such courts.

(5) From and after January 2, 1979, the judicial offices listed in section 476.458 shall be deemed to include those judgeships replacing the named judgeships by reason of the adoption of Constitutional Amendment No. 6 at the election of August 3, 1976. To the extent that the provisions of section 476.458 are inconsistent with provisions contained in said Constitutional Amendment No. 6, as provisions of Constitutional Amendment No. 6 become effective such provisions shall control to the exclusion of the contrary provisions contained in section 476.458.

(6) In subdivision (4) of section 476.515, the term "judge of any circuit court" includes a circuit judge and an associate circuit judge, but does not include a municipal judge.

(7) In section 476.520, the term "subsection 2 of section 27 of article V of the Constitution of Missouri" refers to the section of the Constitution which was so designated in the text of the Constitution prior to January 2, 1979, and to subsection 2 of section 24 of article V of the Constitution in effect after that date.

(8) In sections 476.520 and 476.535, the term "section 30 of article V of the Constitution" refers to the section of the Constitution which was so designated in the text of the Constitution prior to January 2, 1979, and to subsection 1 of section 26 of article V of the Constitution in effect after that date.

(9) In section 476.550, the term "section 27 of article V of the Constitution of Missouri" refers to the section of the Constitution which was so designated in the text of the Constitution prior to January 2, 1979, and to section 24 of article V of the Constitution after that date.

(10) In section 476.575, the term "judge" shall not include a municipal judge.

**477.030. Opinion in writing—where filed—how endorsed.—1.** In each case determined by opinion by the supreme court or any district of the court of appeals, or finally disposed of by opinion upon a motion, the judicial opinion shall be reduced to writing and filed in the cause. If the decision is not unanimous, the opinion shall show which judge delivered it, and which judges concurred therein or dissented therefrom.

2. The clerk of the appellate court shall, when the opinion of the court is filed in his office, endorse thereon the day on which it is filed, and enter the same on his minutes, and shall, within thirty days thereafter, make a true copy thereof, and shall transmit the same without delay to the trial court.

**477.040. Court of appeals consists of three districts.—**The court of appeals shall consist of three districts to be known as the eastern, southern and western districts.

**477.050. Territorial jurisdiction of the eastern district court of appeals.—**The jurisdiction of the eastern district of the court of appeals shall be coextensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Montgomery, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Madison, St. Francois, Washington, Franklin, Audrain, Gasconade, Osage and the City of St. Louis.

**477.060. Territorial jurisdiction of the southern district court of appeals.—**The jurisdiction of the southern district of the court of appeals shall be coextensive with the counties of Barry, Barton, Butler, Camden, Cedar, Carter,

Christian, Dade, Dallas, Douglas, Greene, Howell, Hickory, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Oregon, Polk, Pulaski, Phelps, Ripley, St. Clair, Shannon, Stone, Texas, Taney, Webster, Wright, Dent, Crawford, Maries, Reynolds, Iron, Wayne, Bollinger, Scott, Stoddard, Dunklin, Pemiscot, New Madrid and Mississippi.

**477.070. Territorial jurisdiction of the western district court of appeals.**—The jurisdiction of the western district of the court of appeals shall be coextensive with all the counties in the state except those embraced in the jurisdiction of the eastern and the southern districts of the court of appeals.

**477.140. Office and library furnishings—expenditures, how paid.**—The judges of any district of the court of appeals, or a majority of the judges of any of the districts, are hereby respectively authorized to rent and furnish for their respective districts a suitable courtroom and office for the clerk and rooms for the judges, and a room for the janitor and marshal, and a room for the library, and to make such arrangements for obtaining the use of the libraries of their respective cities as they respectively may deem necessary and wise; all of which expenditures, as also for stationery and other necessary outlay for each of the districts, shall be paid by the state; and the certificate of the chief judge of the respective districts as to the same shall be a sufficient voucher to the commissioner of administration, and a warrant shall be drawn accordingly on the state treasurer for the amount thereof.

**477.150. Expenditure for books, how paid.**—A majority of the judges of any district of the court of appeals is hereby authorized to purchase the necessary textbooks and digests for the use of the judges in the conduct of their duty and to procure for a like purpose such law journals and periodicals as they may deem necessary; which expenditures shall be paid out of the state treasury, on certificate of the chief judge of the district to the commissioner of administration, and a warrant shall be drawn therefor on the state treasurer.

**477.152. Vacancy in office of commissioner, procedure to be followed.**—Whenever a vacancy occurs after September 3, 1970, in the office of commissioner of the supreme court, a judge shall be appointed in the manner prescribed by sections 25 (a)-(g), article V of the Constitution of Missouri to serve on the court of appeals. Appointments under this subsection shall be made to the districts of the court of appeals in the following order: eastern, western, southern, eastern, western, eastern.

**477.160. Judges, eastern district court of appeals, number.**—There shall be twelve judges of the eastern district of the court of appeals.

**477.170. Judges, western district court of appeals, number.**—There shall be seven judges of the western district of the court of appeals.

**477.180. Judges, southern district court of appeals, number.**—There shall be five judges of the southern district of the court of appeals.

**477.190. Judges, to be additional.**—The judgeships authorized by sections 477.160, 477.170 and 477.180 shall be in addition to those newly authorized after January 1, 1978, by the provisions of section 477.152 or by any other law enacted at or after the Second Regular Session of the 79th General Assembly.

**477.220. Sessions of southern district of the court of appeals—when and where held.**—There shall be held in each year two sessions of the southern district of the

court of appeals at Springfield, Missouri, at times fixed by the district. And the district shall hold two sessions at Poplar Bluff, in Butler county, to hear arguments, have cases submitted and hear and decide motions, the district having previously determined by order which may be changed at the pleasure of the district, the time of such sittings and from what counties cases may be heard at that place; provided, that, except by different stipulation of the parties, all cases from the following mentioned counties shall be heard at Poplar Bluff, viz: Butler, Carter, Ripley, Reynolds, Iron, Wayne, Bollinger, Scott, Stoddard, Dunklin, Pemiscot, New Madrid, Crawford, Dent, Shannon, Oregon and Mississippi. The district is hereby authorized to provide suitable quarters at Poplar Bluff for that purpose, to be paid for as other expenses of the district are paid. Each of the judges of the district shall be allowed and paid his actual expenses incident to attending and holding court at Poplar Bluff, which shall be paid as the salaries of the judges are now paid.

**478.010. Election of circuit judges.**—1. Except as provided in section 25 of Article V of the constitution of Missouri, the circuit judges of the various judicial circuits shall be elected at the general elections as herein provided and at the general election every six years thereafter, and shall enter upon the duties of their office on the first day in January next following their election; provided, however, that any terms commencing in 1981 and 1983 shall commence on the first Monday in January.

2. The circuit judge of judicial circuit number one shall be elected in 1980.

3. The circuit judge of judicial circuit number thirty-six shall be elected in 1984.

4. The circuit judges of the remaining judicial circuits, except those covered by sections 478.370 through 478.715, shall be elected in 1982.

**478.014. Judge of the circuit court, defined.**—The term "judge of the circuit court" as used in section 478.013 means circuit judge, and does not include an associate circuit judge or municipal judge.

**478.017. Travel allowance for circuit judges.**—1. Each circuit judge of a judicial circuit composed of a single county which now has or may hereafter have less than two hundred thousand inhabitants and in which circuit court is held in more than one place and each circuit and associate circuit judge of a circuit court which consists of more than one county, in addition to their salaries, shall be reimbursed out of the state treasury for all reasonable and necessary travel and subsistence expenses incurred in holding court at any place in the county of his residence other than the place of his residence.

2. Each circuit and associate circuit judge of a judicial circuit which consists of more than one county, in addition to his salary, shall be reimbursed out of the state treasury for all reasonable and necessary travel and subsistence expenses incurred in holding court in a county other than the county of his residence.

3. Whenever a judge, other than a municipal judge, travels to any place other than to the judge's regular courtroom or courtrooms to hear municipal ordinance violation cases, he shall be reimbursed from the state treasury, in addition to his salary, for his reasonable and necessary travel and subsistence expenses incurred in holding court at such place.

**478.020. Expenses of judge when serving outside regular circuit.**—Each circuit and associate circuit judge when temporarily serving, transferred or assigned as a judge of a court sitting outside of such judge's own circuit, in addition to the salary and expense money herein provided, shall be reimbursed from the state



treasury for all reasonable and necessary travel and subsistence expenses incurred in connection with his service, assignment or transfer to the other court.

**478.023. Salary paid in monthly installments.**—All of said salaries and expenses herein provided for circuit and associate circuit judges shall be paid in monthly installments out of the state treasury and shall constitute the total compensation for all duties performed by, and all expenses of, said judges, and there shall be no further payment made to or accepted by said judges for the performance of any duties required to be performed by them under the law.

**478.035. Circuit courts—counties and city of St. Louis to provide quarters.**—The counties and the City of St. Louis shall provide suitable quarters for the respective circuit courts, including all divisions thereof except divisions presided over by municipal judges. Such quarters shall be provided at the county seat, except in the following situations:

(1) In counties where provision was made on January 1, 1979, for a county to provide quarters for the circuit court or the courts replaced by divisions of the circuit court at a location other than at the county seat, the county shall continue to provide suitable quarters for the respective divisions of the circuit court at such additional locations.

(2) The county court may, by proper order, provide additional quarters for divisions of the circuit court at additional locations outside the county seat.

**478.063. Juvenile divisions designated.**—In all judicial circuits of this state the circuit judges of such court shall be vested with power to designate by local circuit court rule and concurred in by a majority of said judges, the division or divisions which shall be juvenile division or divisions and the classes of cases that shall be assigned to each, and may amend such rule from time to time as, in the judgment of a majority of said judges, will best serve the public interest.

**478.070. Jurisdiction of circuit courts.**—The circuit courts shall have original jurisdiction over all cases and matters, civil and criminal. Such courts may issue and determine original remedial writs.

**478.072. Preserving record, case assigned to associate circuit judge, how, approval required—Supreme Court to prescribe procedures and forms.**—1. In any case assigned to an associate circuit judge to be heard upon the record as authorized by law, the associate circuit judge shall utilize electronic, magnetic, or mechanical sound or video recording devices or a court reporter or a stenographer for the purpose of preserving the record. The method of preserving the record in each such assigned case shall be specified by the assigning judge at the time he enters his order of assignment. Electronic, magnetic, or mechanical recording devices shall be approved by the office of state courts administrator prior to their utilization by any associate circuit judge.

2. The supreme court shall by order prescribe necessary and proper forms and procedures in addition to those specified herein.

3. Any circuit judge serving as judge of a probate division of the circuit court may also preserve the record in his court by using such approved electronic, magnetic, or mechanical recording devices.

**478.205. Circuit court, continual session—when term required, time commencing.**—The circuit court of each county and in the City of St. Louis shall be considered as being in continual session, and it shall not be necessary for a term or special term of any such court to be convened or held for such court or the judges thereof to conduct the business of the court with respect to any case or

matter before the court. To the extent that a term of a circuit court may be required or specified by any provision of law, terms of each circuit court of the state shall be considered as commencing on the second Mondays in February, May, August and November of each year; provided, however, that no court by reason of this section shall be required to hold court on the first day of any such term and provided further that each circuit court for convenience may provide by local court rule for a different number of terms per year and for terms to commence on different dates.

**478.206. Writs and other processes returned to first term, when, effect.**—When any writ or other process is made returnable to any stated term of any court of record and the time of holding such term shall be changed by the legislature or by local court rule, such process shall be returned to the first term of the court held in pursuance of such change, and with the same effect as if returned at the time named in such process.

**478.220. Circuit judges, jurisdiction, restrictions.**—Circuit judges may hear and determine all cases and matters within the jurisdiction of their circuit courts, subject, however, to the following restrictions:

(1) Circuit judges shall not hear and determine municipal ordinance violation cases, except upon trial de novo, unless the judge be transferred or assigned to hear and determine the case or that class of case pursuant to section 478.240 or 278.245 or section 6 of Article V of the Constitution; and

(2) The provisions of this section authorizing the hearing and determination of particular cases or classes of cases by circuit judges shall be subject to the transfer, assignment, and disqualification provisions contained in Article V of the Constitution, in provisions of law, or in court rules which are authorized by the Constitution or by law.

**478.225. Associate circuit judges, cases and matters within their jurisdiction.**—1. Each associate circuit judge who serves as the judge of the probate division of the circuit court may hear and determine all cases and matters within the probate division of the circuit court in the county for which he is an associate circuit judge.

2. Each associate circuit judge within the counties or City of St. Louis for which he is an associate circuit judge may hear and determine the following cases or classes of cases:

(1) Except as otherwise provided by law, all civil actions and proceedings for the recovery of money, whether such action be founded upon contract or tort, or upon a bond or undertaking given in pursuance of law in any civil action or proceeding, or for a penalty or forfeiture given by any statute of this state, when the sum demanded, exclusive of interest and costs, does not exceed five thousand dollars;

(2) All actions against any railroad company in this state, to recover damages for killing or injuring horses, mules, cattle or other animals within their respective counties, without regard to the value of such animals, or the amount claimed for killing or injuring the same;

(3) All cases of misdemeanor or infraction, except as otherwise provided by law;

(4) Felony cases prior to the filing of the information;

(5) Municipal ordinance violation cases of a municipality with a population of under four hundred thousand for which a municipal judge is not provided;

(6) "Small claims" cases as provided in sections 482.300 through 482.365;

(7) In counties of less than seventy thousand inhabitants, when a circuit judge is absent from the county, cases that a circuit judge can hear in chambers;

(8) Such other cases that could be heard and determined by a magistrate judge without assignment as an acting circuit judge under provisions of law in effect on January 1, 1979, including but not limited to replevin, attachment and mechanic's lien actions where the recovery sought is less than \$5000, actions for unlawful detainer authorized by chapter 534, actions for rent and possession authorized by chapter 535, and petitions for review of driver's license revocations and for hardship driving privileges; and

(9) Such other cases or classes of cases as may otherwise be specifically provided by law for associate circuit judges to hear and determine.

3. Each associate circuit judge within the county or the City of St. Louis for which he is an associate circuit judge may also hear and determine the following cases or classes of cases:

(1) Uncontested dissolution of marriage, legal separation or separate maintenance proceedings;

(2) Uncontested motions to modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody and child support;

(3) Proceedings for change of name of a person;

(4) In counties of less than seventy thousand inhabitants, juvenile proceedings;

(5) Uncontested proceedings for the approval of settlement of suits involving claims by persons under eighteen years of age; and

(6) Uncontested actions involving the title to real estate.

4. An associate circuit judge shall not hear and determine cases other than those authorized by subsections 1, 2 and 3 of this section, except that associate circuit judges may hear and determine such cases or classes of cases which are transferred or assigned to them pursuant to section 478.240 or 478.245 or section 6 of Article V of the Constitution.

5. The provisions of this section authorizing the hearing and determination of particular cases or classes of cases by associate circuit judges shall be subject to the transfer, assignment, and disqualification provisions contained in Article V of the Constitution, in provisions of law, or in court rules which are authorized by the Constitution or by law.

6. Associate circuit judges in addition to the cases enumerated in this section also may hear and determine within the county of their residence any other civil case if a written consent to such hearing and determination executed by all of the parties to the case, either personally or by counsel, is filed of record in the case. Such consent may be as to all proceedings with respect to the case or it may be limited to particular pretrial matters or other proceedings in the case.

7. In hearing and determining cases which are included within those classes of cases enumerated in subsection 3 and 6 of this section, associate circuit judges shall follow the procedure and practice which is regularly applicable before circuit judges, except that a record of such proceedings shall be preserved as provided in subsection 2 of section 512.180, and such case records shall be filed with and be maintained by the circuit clerk in the same manner as cases regularly processed before and heard by circuit judges.

8. Cases which are included within those classes of cases enumerated in subdivisions (1) and (3) of subsection 2 of this section shall be heard and determined by a resident associate circuit judge rather than by a circuit judge or an associate circuit judge of another county unless:

(1) The particular judge is disqualified from hearing the case pursuant to other provisions of law or supreme court rule;

(2) Another judge is transferred or assigned to hear and determine the case pursuant to section 478.240 or 478.245 or section 6 of Article V of the Constitution;

(3) With respect to those cases enumerated in subdivision (1) of subsection 2 of this section another judge is assigned to hear the case because of the designation process provided in subsection 2 of section 478.250; or

(4) With respect to those cases enumerated in subsection 3 of this section, upon motion filed by any party to such a case within the time allowed for filing an application for disqualification or change of judge the case shall be heard and determined by a circuit judge, and such motion for the case to be heard and determined before a circuit judge shall not constitute an application for disqualification or change of judge so as to preclude such an application under any other statute or supreme court rule.

**478.230. Municipal judges, jurisdiction—cases subject to transfer.**—A municipal judge may hear and determine municipal ordinance violation cases of the municipality or municipalities making provision for the particular municipal judge. The provisions of this section authorizing the hearing and determination of particular cases or classes of cases by municipal judges shall be subject to the transfer, assignment, and disqualification provisions contained in Article V of the Constitution, in provisions of law, or in court rules which are authorized by the Constitution or by law.

**478.240. Presiding judge, term, authority to assign cases—Chief Justice of Supreme Court may remove presiding judge, designate acting judge.**—1. The presiding judge of each circuit which is provided by subsection 3 of section 15 of Article V of the Constitution shall be selected for a two-year term. Selection procedures may be provided by supreme court rule. Selection and removal procedures, not inconsistent with the rules of the supreme court, may be provided by local court rule. If a presiding judge is disqualified from acting as a judicial officer pursuant to the Constitution, Article 5, section 24, the circuit judges and associate circuit judges of the circuit shall select a circuit judge as presiding judge. If the circuit does not have an eligible judge to be elected presiding judge, then the chief justice of the supreme court may designate an acting presiding judge until a successor is chosen or until the disability of the presiding judge terminates.

2. Subject to the authority of the supreme court and the chief justice under Article V of the Constitution, the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit, including the authority to assign any judicial or court personnel anywhere in the circuit, and shall have the authority to assign judges to hear such cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases in addition to those authorized in section 478.225. By this subsection the presiding judge shall not, however, be authorized to make the following assignments:

(1) Assignment of a municipal judge to hear any case other than to initially hear a municipal ordinance violation case of the municipality which makes provision for such municipal judge;

(2) Assignment of a judge to hear the trial of a felony case when he has previously conducted the preliminary hearing in that case;

(3) Assignment of a case to a judge contrary to provisions of supreme court rules or local circuit court rules; and

(4) Assignment of a case or class of cases not within the class of cases specified in section 472.020 to a circuit judge who is also judge of the probate division and who was on January 1, 1979, a probate judge shall only be with the consent of said judge of the probate division.

**478.245. Circuit courts may adopt local rules, restrictions, procedure for adoption of rules.**—1. Subject to the provisions of Article V of the Constitution and authority exercised under such provisions, the circuit judges of the circuit may adopt local court rules which provide:

(1) Cases or classes of cases that may or shall be assigned to particular divisions of the circuit court;

(2) Filing (including the place of filing) and assignment systems for the circuit court of each county which may include (i) centralized filing procedures for cases which are heard by circuit judges, (ii) centralized assignment procedures or individualized docketing procedures for cases or classes of cases which are heard by circuit judges, and (iii) filing and assignment procedures for cases which are heard by municipal judges.

2. Notwithstanding the provisions of subsection 1 of this section, no such local circuit court rule:

(1) Shall provide for assignments which a presiding judge is prohibited from making by subdivisions (1), (2) and (4) of subsection 2 of section 478.240 or which are contrary to provisions of supreme court rules;

(2) Shall provide for the maintenance of the permanent case records and judgments of the circuit court other than with the circuit clerk, except records with respect to probate cases, misdemeanor and municipal ordinance violation cases, records in felony cases before the filing of an information, and records in cases within the categories of cases specified in subdivisions (1), (2), and (6) of subsection 2 of section 478.225; and

(3) Shall provide for the filing of cases or the maintenance of the permanent records in cases which are heard by municipal judges outside of the municipality providing the municipal judge, except in those situations where there is a trial de novo or the municipality consents to such filing or maintenance of records.

3. Local circuit court rules shall be adopted by a majority of the circuit judges of the circuit. A copy of each circuit court rule certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed. Each local circuit court rule adopted prior to January 2, 1979, shall cease to be effective sixty days after that date if a copy thereof certified by the presiding judge of the circuit is not filed with the clerk of the supreme court during that period of time.

4. Subject to the provisions of Article V of the Constitution and authority exercised under such provisions, a majority of circuit and associate circuit judges of the circuit by order may provide for (i) centralized filing or divisional filing of cases or classes of cases which are heard by associate circuit judges and (ii) centralized assignment procedures or individualized docketing procedures of cases or classes of cases which are heard by associate circuit judges. A copy of each such order certified by the presiding judge of the circuit shall be filed with the circuit clerk and the clerk of the supreme court, and shall not become effective until so filed.

**478.250. Procedure for filing cases, docketing, assignment, hearing.**—1. Until otherwise provided by court rule authorized by the Constitution or by court order authorized by law, cases shall continue to be filed in the same places and

the same filing, docketing and assignment of case procedures shall apply as were in effect on January 1, 1979, with respect to the same categories of cases.

2. If a case is within those categories of cases enumerated in subdivisions (1) and (2) of section 2 of section 478.225, the plaintiff when filing the case may designate at the time of filing that the case shall be heard and determined under the civil practice and procedure applicable before circuit judges, and in such event the case shall be heard and determined by a circuit judge unless an associate circuit judge shall be assigned or transferred to hear and determine the case pursuant to section 478.240 or 478.245 or section 6 of Article V of the Constitution. If no such designation is made, the case shall be heard and determined under the civil practice and procedure applicable before associate circuit judges hearing and determining cases without assignment.

3. In the assignment of cases to associate circuit judges in circuit courts with more than one resident associate circuit judge, insofar as is reasonably possible and consistent with the proper administration of justice, assignments made either pursuant to local circuit court rule or by the presiding judge:

(1) Shall not effect an assignment of the cause from the courthouse where the case is filed to another courthouse in the county for hearing without the consent of the parties shown except for good cause shown; and

(2) Shall be made in such manner as will assure that when a litigant or counsel simultaneously file a number of cases of a similar character to be heard before an associate circuit judge, such cases will be assigned as a group to a single associate circuit judge or in such other manner as will reasonably assure that they will be processed and heard without setting or return date conflicts which would require counsel to appear on multiple occasions or at conflicting times.

4. The provisions of subsection 3 shall apply as to assignments made where a centralized docketing procedure has been adopted by local court order under the provisions of subsection 4 of section 478.245.

**478.260. Probate division of circuit court established, jurisdiction.—1.** There shall be a probate division of the circuit court in each county and in the City of St. Louis.

2. In probate matters, the judge serving in the probate division shall have general equitable jurisdiction.

**478.265. Commissioner of the probate division of circuit court, appointment, qualifications, powers, duties, compensation (counties over 400,000).—**The judge of the probate division of the circuit court of any county, which has more than four hundred thousand inhabitants, may appoint a person to be known as commissioner of the probate division of the circuit court, who shall possess the same qualifications and take and subscribe a like oath as such judge. The compensation of the commissioner shall be limited, determined and paid in the same manner as division clerks as provided by subsection 2 of section 433.243 until June 30, 1981, and section 483.245 after that date except as provided in sections 478.266 and 478.267, provided, however, that said commissioner shall receive a per diem of twenty dollars per day as compensation unless said commissioner is a regular salaried employee serving the probate division of the circuit court in which event he shall receive no per diem allowance; and his service shall extend until terminated by order of the judge of the probate division of the circuit court entered of record but not beyond the term of office of such judge. Subject to approval or rejection by the judge of the probate

division, the commissioner shall have all the powers and duties of such judge; but the judge shall by order of record reject or confirm all orders, judgments, and decrees of the commissioner within the time such judge could set aside such orders, judgments, or decrees, had the same been made by him; and if so confirmed such orders, judgments, and decrees shall have the same effect as if made by the judge on the date of such confirmation.

**478.266. Probate division of circuit court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of (Jackson County).**—Notwithstanding the provisions of section 478.265, on and after January 2, 1979, each county of the first class having a charter form of government and containing all or part of a city having a population of at least four hundred fifty thousand or more a majority of the circuit judges, meeting en banc, may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of a circuit judge, payable in the same manner and from the same source as the compensation of the judge who serves in the probate division of the circuit court. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of its confirmation.

**478.267. Probate division of circuit court commissioner authorized, compensation, term—commissioner's orders, rejection or confirmation of (St. Louis County).**—Notwithstanding the provisions of section 478.265, on and after January 2, 1979, in each county of the first class having a charter form of government and not containing all or part of a city having a population of at least four hundred fifty thousand or more, the judge of the probate division of the circuit court may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be determined by the judge of the probate division of the circuit court, not to exceed the compensation of a circuit court judge, payable in the same manner and from the same source as the compensation of the judge who serves in the probate division of the circuit court. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

**478.270. Judge or clerk not to prepare wills or settlements—letters revoked, when.**—1. No judge or clerk of the probate division of the circuit court shall draw or witness any will or make any settlement for any administrator, executor or guardian over which his court has jurisdiction.

2. The acceptance of the office of judge of the probate division of the circuit court operates as a revocation of all letters testamentary and of adminis-

tration and of guardianship held by a judge of a probate division of a circuit court at the time of his election, and disqualifies him from acting in any capacity in such cases in any court of this state.

**478.275. Bonds of judges, clerks of probate divisions of circuit courts.—1.** Every judge and clerk of the probate division of the circuit court shall, before entering upon the duties of his office, give a separate, good and sufficient bond which, in counties now or hereafter having the following number of inhabitants, shall be in a penal sum as follows:

(1) In counties with thirty thousand inhabitants or less, the sum of two thousand dollars;

(2) In counties with more than thirty thousand and less than seventy thousand inhabitants, the sum of three thousand dollars;

(3) In counties with more than seventy thousand and less than two hundred and fifty thousand inhabitants, the sum of five thousand dollars;

(4) In counties with more than two hundred and fifty thousand inhabitants, the sum of ten thousand dollars.

2. The bonds shall be filed with and approved by the clerk of the circuit court having jurisdiction in the county. Every such bond shall run to the state or county to which the fees herein provided for are payable and shall be conditioned respectively upon the faithful performance by the judge or clerk of each and every duty herein imposed upon such respective officers.

**478.320. Associate circuit judges authorized number, additional judges, election—judges not to practice law or accept public appointment which pays compensation.—1.** In counties having a population of thirty thousand or less there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more there shall be two associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants or major fraction thereof.

2. In addition to the associate circuit judges authorized by subsection 1 of this section, one additional associate circuit judge is authorized for each magistrate which was provided in the county pursuant to the provisions of subsection 3 of section 482.010 in effect on January 1, 1979. Additional associate circuit judges may be authorized in particular counties by law hereafter enacted.

3. Except in circuits where associate circuit judges are selected under the provisions of sections 25 (a)-(g) of article V of the Constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

4. In counties where associate circuit judges are elected they shall be elected by the county at large.

5. No associate circuit judge shall practice law or do a law business nor shall he accept, during his term of office, any public appointment for which he receives compensation for his services.

**478.337. Circuit court of Lewis County at Canton.—**Regular sessions of the circuit court of Lewis county shall be held in the city of Canton in said county, in a building to be provided by the city council of said city, which shall be known and designated as the "Courthouse at Canton," and said city council is hereby given power and authority to appropriate money necessary to provide and prepare such building with a room for said court, and office for the clerk of said court, and for jury rooms, and also records, fuel and such incidental



expenses for said court and clerk, all of which shall be provided by said town free of expense to said county.

**478.340. Jurisdiction.**—The circuit court at Canton shall have jurisdiction as follows:

(1) Original and concurrent jurisdiction in all civil cases, either in law or equity, arising in all that part of Lewis county lying east of the range line between ranges six and seven, except that cases which are within the probate jurisdiction and cases of a type which an associate circuit judge may hear without special assignment shall be filed, heard and determined at the county seat;

(2) Original and concurrent jurisdiction in all felony cases arising in all the said before mentioned and described territory, except that proceedings prior to the filing of an information or indictment shall be at the county seat.

**478.370. Divisions of Circuit No. 5, number—when judges elected.**—1. There shall be four circuit judges in the fifth judicial circuit consisting of the counties of Buchanan, Andrew and Clinton. These judges shall sit in divisions numbered one, two, three and four.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one, three and four shall be elected in 1982.

**478.385. Circuit No. 7, number of judges.**—There shall be four circuit judges in the seventh judicial circuit consisting of the county of Clay.

**478.387. Circuit No. 22, number of judges.**—There shall be twenty-four circuit judges in the twenty-second judicial circuit consisting of the City of St. Louis.

**478.422. Friend of court in child support matters, appointment, compensation (St. Louis County and St. Louis City).**—1. The circuit judges of the circuit courts of the City of St. Louis and St. Louis county may appoint at least one "friend of the court" who shall be an attorney licensed to practice law in this state whose duty it shall be to prosecute any necessary civil action to enforce the payment of all delinquent payments duly ordered and decreed by the court for the support, maintenance, and education of a dependent minor child. The friend of the court shall be a resident of the circuit, and each circuit judge may, in his discretion, appoint more than one friend of the court if circumstances warrant such appointments.

2. The friend of the court shall, when appointed, upon his own information or upon the filing of a written complaint by some adult resident of the county wherein the dependent minor child is located, act as next friend to the child, without further appointment, for the purpose of collecting such delinquent payments, and may begin or continue any action to collect the delinquent payments. If the friend of the court finds that he is unable to collect the payments with a civil action, he shall notify the court, in writing, of his inability to satisfy the order or decree for payment, and shall send a copy of such notification to the prosecuting attorney of the county wherein the child is located.

3. As compensation for his services the friend of the court shall be allowed a fee in each case of not to exceed fifty dollars which shall be taxed as costs.

4. Such delinquent payments as may be collected hereunder shall be made payable to "friend of the court". The friend of the court, after first deducting his fee as hereinabove provided in subsection 3, shall disburse the collected

delinquent payments to the person entitled to receive them in accordance with the terms of the decree for which enforcement of payment is sought and he shall report said collection and disbursement to the court.

5. Upon the appointment of a friend of the court as required by this section, each circuit judge shall notify all prosecuting attorneys and circuit clerks within his circuit of such appointment, and shall give them the name and address of each such friend of the court.

**478.430. Circuit judge in St. Louis City may appoint janitor-messenger.**—Each circuit judge of the circuit court of the City of St. Louis is hereby authorized to appoint one janitor-messenger whose duty it shall be to keep in an orderly and cleanly manner the chambers and other rooms used by such judge and his reporter in the performance of their respective duties, and equipment in use therein, and also the halls, stairways, and jury rooms used in connection with the court room over which such judge presides, and to perform such other duties as said judge shall direct from time to time. And the judge making said appointment shall report the same to the circuit court in general session for certification, and such janitor-messenger shall hold his appointment during the pleasure of the judge making the same.

**478.437. Circuit No. 21, number of judges.**—There shall be eighteen circuit judges in the twenty-first judicial circuit consisting of the county of St. Louis.

**478.463. Circuit No. 16, number of judges, divisions—where divisions to sit.**—There shall be nineteen circuit judges in the sixteenth judicial circuit consisting of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one, two, three, four, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen and eighteen shall sit at the City of Kansas City and divisions five, twelve, sixteen and seventeen shall sit at the City of Independence. Division nineteen shall sit at both the City of Kansas City and the City of Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall sit at both the City of Kansas City and the City of Independence.

**478.465. Transfer of cases by local court rule, circuit court and probate division (Circuit No. 16).**—By local circuit court rule, the sixteen judicial circuit may provide for the transfer of a case pending before a circuit or associate circuit judge of a division at Independence and of a division at Kansas City for good cause shown upon order of such judge or of the presiding judge from a division at Independence to a division at Kansas City, and from a division at Kansas City to a division at Independence. By local circuit court rule, the sixteenth judicial circuit may also provide for the transfer of cases between divisions presided over by associate circuit judges which sit at any location within the circuit. The judge of the probate division of the circuit court of Jackson county if he deems it advisable or in the interest of the party or parties to any proceeding or controversy therein may by his order entered of record remove and transfer the hearing of such proceeding or controversy and the case records from Independence to Kansas City or from Kansas City to Independence, and said cause, proceeding or controversy shall be proceeded with to final settlement or conclusion at the place to which it may be removed.

**478.467. Court may make rules for distribution of cases.**—The circuit judges of the sixteenth judicial circuit may make such rules as may be found necessary for the proper distribution of cases for trial and disposition among the several divisions of the court presided over by circuit or associate circuit judges

and the transfer of cases to and from such divisions, including divisions at different locations. Such authority is in addition to the authority set forth in section 478.245.

**478.469. Appeals from municipal judges, where heard.**—Except as may otherwise be provided by local circuit court rule, trials de novo from decisions of municipal judges of Kansas City and cases reviewing decisions of officials or administrative bodies of Kansas City shall be heard at Kansas City, and trials de novo from decisions of municipal judges of Independence and cases reviewing decisions of officials or administrative bodies of Independence shall be heard at Independence. Trials de novo from decisions of municipal judges serving other municipalities within Jackson county and cases reviewing decisions of officials or administrative bodies of other municipalities or of other governmental bodies may be heard at either Kansas City or Independence, unless otherwise provided by local circuit court rule.

**478.473. Letters, where granted.**—1. Letters testamentary or of administration on the estates of decedents and letters of guardianship of the person or estate of minors or incompetents shall be granted by the probate division of the circuit court of Jackson county, or the division clerk thereof when not in session, at Independence or at Kansas City, as hereinafter provided, and all orders, settlements, trials and other proceedings had therein shall be had, done and kept of record in the office of said clerk where such letters are granted. For the purposes of this section, Jackson county is hereby divided into an "eastern" portion and a "western" portion, as hereinafter described.

2. (1) The "western" portion of Jackson county is described as follows:

Beginning in the middle of the main channel of the Missouri river, at a point where the easterly city limits of the City of Kansas City intersects the same; thence southerly along said easterly city limits of the City of Kansas City and following the meanderings of same to the intersection of said easterly city limits with the center line of Blue Ridge Boulevard (just north of U. S. Highway No. 24); thence southerly along the center line of Blue Ridge Boulevard to its intersection with the center line of Blue Ridge Cut-Off (at about 33rd Street); thence southerly along the center line of Blue Ridge Cut-Off to its intersection with the center line of Blue Ridge Boulevard Extension (at about 66th Street); thence southerly along the center line of Blue Ridge Boulevard Extension to its intersection with the center line of 87th Street; thence easterly along the center line of 87th Street to its intersection with the center line of Raytown Road; thence southerly along the center line of Raytown Road to its intersection with the center line of Outer Belt Road; thence easterly along the center line of Outer Belt Road to its intersection with the center line of Peterson Road; thence southerly along the center line of Peterson Road to its intersection with the boundary between Jackson county and Cass county; thence westerly along said boundary between Jackson county and Cass county to its intersection with the western boundary line of the state of Missouri; thence northerly along the western boundary line of the state of Missouri to its intersection with the middle of the main channel of the Missouri river; thence down said river, in the middle of the main channel thereof, to the place of beginning.

(2) The "eastern" portion of Jackson county is described as the remainder of Jackson county other than the aforesaid "western" portion. The boundaries as herein established are permanently fixed geographically as of the effective date of this law and are not to be considered altered by reason of change of

name or location of any of the roads or city limits to which reference is made herein.

3. If, at the time of the death of a decedent, or at the time of the filing of a petition for appointment of a guardian for a minor or an incompetent, such decedent or minor or incompetent

(1) resides in said "eastern" portion, then such letters shall be granted at Independence;

(2) resides in said "western" portion, then such letters shall be granted at Kansas City;

(3) does not reside in Jackson county but is possessed of lands lying in said "eastern" portion (but none in said "western" portion), then such letters shall be granted at Independence;

(4) does not reside in Jackson county but is possessed of lands lying in said "western" portion (but none in said "eastern" portion), then such letters shall be granted at Kansas City. In all other cases, such letters may be granted at either Independence or Kansas City.

4. The probate division of the circuit court of Jackson county shall keep two offices for the transaction of its business, one at Independence and the other at Kansas City. The records relating to cases in the "eastern" portion of Jackson county shall be maintained at Independence and the records relating to cases in the "western" portion of Jackson county shall be maintained at Kansas City, unless a case be transferred.

**478.475. Sales of real estate at courthouse door.**—Sales of real estate made by order of the probate division of the circuit court of Jackson county at its sessions in Kansas City shall be made at the courthouse door in that city and at its sessions in Independence shall be made at the courthouse door in that city.

**478.487. Grand juries, summoned, service.**—A grand jury of the sixteenth judicial circuit shall be summoned every six months at such specific times as are provided by local circuit court rule. Each such grand jury so summoned shall serve continuously for a period of six months and until a new grand jury is summoned and sworn. The grand jury serving on January 1, 1979, shall continue to serve until another grand jury is summoned and sworn as herein provided. All grand juries shall be summoned by the circuit judge or circuit judges of the divisions designated to handle criminal business and may be recessed and reconvened at the direction of the judge or judges. The said grand jury shall be charged with regard to its duties by the circuit judge of said court sitting in said division, and shall return all indictments by it found and deliver all reports by it made to said division.

**478.513. Circuit No. 31, number of judges, divisions—when judges elected.**—

1. There shall be five circuit judges in the thirty-first judicial circuit consisting of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

**478.527. Circuit No. 29, number of judges, divisions—when judges elected.**—

1. There shall be three circuit judges in the twenty-ninth judicial circuit consisting of the county of Jasper. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge of division two shall be elected in 1980. The circuit judges of divisions one and three shall be elected in 1982.

**478.530. Court may make rules for distribution, transfer of cases.—**The circuit judges of circuit number twenty-nine may make such rules as may be found necessary for the proper distribution of cases for trial and disposition among the several divisions of the court presided over by circuit or associate circuit judges and the transfer of cases to and from such divisions, including divisions at Carthage and at Joplin. Such authority is in addition to the authority set forth in section 478.245.

**478.550. Circuit No. 23, number of judges, divisions—when judges elected.—**

1. There shall be four circuit judges in the twenty-third judicial circuit consisting of the county of Jefferson. These judges shall sit in divisions numbered one, two, three and four.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one and four shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

**478.570. Circuit No. 17, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the seventeenth judicial circuit consisting of the counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

**478.600. Circuit No. 11, number of judges, divisions—when judges elected.—**

1. There shall be four circuit judges in the eleventh judicial circuit consisting of the counties of Lincoln, Pike and St. Charles. These judges shall sit in divisions numbered one, two, three and four.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions three and four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

**478.610. Circuit No. 13, number of judges, divisions—when judges elected.—**

1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

**478.625. Circuit No. 19, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the nineteenth judicial circuit consisting of the county of Cole. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division one shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

**478.630. Circuit No. 20, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the twentieth judicial circuit consisting of the counties of Franklin, Gasconade and Osage. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

**478.690. Circuit No. 24, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the twenty-fourth judicial circuit consisting of the counties of Madison, Perry, St. Francois, Ste. Genevieve and Washington. These judges shall sit in divisions numbered one and two.

2. The circuit judges in divisions one and two shall be elected in 1982.

**478.700. Circuit No. 25, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the twenty-fifth judicial circuit consisting of the counties of Maries, Phelps, Pulaski and Texas. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

**478.705. Circuit No. 26, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

**478.710. Circuit No. 32, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the thirty-second judicial circuit consisting of the counties of Bollinger and Cape Girardeau. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

**478.711. Circuit court, where held—probate division, where offices maintained.—**1. Within Cape Girardeau County the circuit court shall hold court in the courthouses at Jackson and at Cape Girardeau, and while holding court at Jackson may be known as the "circuit court of Cape Girardeau county at Jackson" and while holding court at Cape Girardeau may be known as the "circuit court of Cape Girardeau county at Cape Girardeau." All matters which are handled by circuit judges or associate circuit judges of the circuit court of Cape Girardeau County may be handled at either of the locations.

2. The probate division of the circuit court of Cape Girardeau County shall maintain an office at the courthouse in Jackson and an office at the courthouse in Cape Girardeau.

**478.715. Circuit No. 42, number of judges, divisions—when judges elected.—**

1. There shall be two circuit judges in the forty-second judicial circuit consisting of the counties of Crawford, Dent, Iron, Reynolds and Wayne. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division one shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

**478.720. Districts of Marion County Circuit Court—where court to be held—jurisdiction—transfers.—**1. Within Marion County there shall be two geographical districts of the circuit courts—one at the county seat in Palmyra which shall be known as "District Number 1" and the other in Hannibal which shall be known as "District Number 2". Said districts may also be known as the "Circuit Court of Marion County at Palmyra" and the "Circuit Court at Marion County at Hannibal", respectively. Both the circuit and associate circuit judges shall regularly hold court at both Palmyra and Hannibal.

2. District Number 2 of the Marion County Circuit Court shall have within the limits of Mason and Miller townships of the county of Marion exclusive

original jurisdiction in all civil and criminal actions except as may otherwise herein be specifically provided. Municipal ordinance violations of the city of Hannibal shall be prosecuted originally and on application for trial de novo within District Number 2, and any municipal judge for which the city of Hannibal determines to make provisions shall be a municipal judge of District Number 2.

3. District Number 1 of the Marion County Circuit Court shall have within all of Marion County except in Mason and Miller townships exclusive original jurisdiction in all civil and criminal actions except as may otherwise herein be specifically provided.

4. No person residing within the limits of Marion county, and beyond the limits of Mason and Miller townships, shall be sued in district number 2 of the Marion county Circuit Court, nor shall any person residing within the limits of said townships be sued in district number 1 of the circuit court for the county of Marion, except in cases where there are more defendants than one in the county of Marion, some of whom reside within and some of whom reside without the limits of Mason and Miller townships; in which event suit may be brought in either district of the circuit court of Marion county, except as herein provided.

5. When an offense shall be committed on the boundaries of the said Mason or Miller townships, or within five hundred yards of said boundaries, or where the person committing the offense shall be on one side and the injury be done on the other side of said boundaries, an examination thereof may be made and an indictment may be found and a trial and conviction thereon had either in the said District Number 2 or in District Number 1 of the circuit court of Marion county or the circuit court of Ralls county.

6. If a cause be filed in District Number 1 of the Circuit Court of Marion County when it should have been filed in District Number 2 of said court, or if a cause be filed in District Number 2 of said court when it should have been filed in District No. 1 of said court, upon motion of any party, the cause shall be transferred to the proper District and proceedings thereafter had in that District as if the case was originally filed in that District. The matter of the filing of the action in the improper district shall be deemed waived in the following situations:

(1) In a civil action where procedures applicable before circuit judges apply, such matter must be raised by motion or responsive pleading in the same manner and within the same time as those defenses specified in supreme court rule 55.27 (g)(1) or it will be deemed waived;

(2) In a civil action where procedures under chapter 517 or small claim procedures are applicable, such matter must be raised prior to the commencement of the trial or it will be deemed waived;

(3) In a felony case, such matter must be raised within the time permitted to file motions directed to the information or it will be deemed waived; and

(4) In a misdemeanor case or municipal ordinance violation case, such matter must be raised prior to the commencement of the trial or it will be deemed waived. When a cause is filed in an improper district, all proceedings had in the cause until a proper motion or application is filed raising the matter of filing in the improper district shall be considered lawful and proper, and unless such a timely motion or application be made, the matter of filing in the improper district shall be of no effect.

478.725. Mechanics' liens, where filed (Marion County).—When any person is, by the statutes of this state, entitled to a lien for performing any work or

labor upon or furnishing any materials, fixtures, engine, boiler or machinery for any building, erection or improvement upon land, or for repairing the same, in Mason or Miller townships, in Marion county, under or by virtue of any contract with the owner or proprietor thereof, or his agent, trustee, contractor or subcontractor, and such person so entitled to such lien, wishing to avail himself of the benefit of said laws, shall file his lien in the office of the clerk of district number 2 of the Marion county circuit court, and not elsewhere.

**479.010. Violation of municipal ordinances, jurisdiction.**—Violations of municipal ordinances, shall be tried only before divisions of the circuit court as hereinafter provided in this chapter.

**479.020. Municipal judges, selection, tenure, jurisdiction, qualifications, course of instruction.**—1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless he be licensed to practice law in this state unless, prior to the effective date of this act, he has served as municipal judge of that same municipality for at least three years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which he serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit. Notwithstanding the foregoing provisions of this subsection, in any city with a population of over 400,000 with full time municipal judges who are subject to a plan of merit selection and retention, such municipal judges and court personnel of the municipal divisions shall not be subject to court management and case docketing in the municipal divisions by the presiding judge or the rules of the circuit court of which the municipal divisions are a part.

6. No municipal judge shall hold any other office in the municipality which he serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.



7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after he has reached his seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the Supreme Court. The State Courts Administrator shall certify to the Supreme Court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after his selection as municipal judge, his office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

**479.030. Municipalities, notification of circuit clerk—judges in office, terms.—**

1. Every municipality with a population of less than 400,000 which makes provision for a municipal judge or judges shall notify in writing the circuit clerk of the county in which the municipality or major geographical portion thereof is located before the municipal judge or judges hear and determine any cases; provided, however, that until March 1, 1979, municipal judges may hear and determine cases prior to such notification.

2. Judges of municipal courts in office on January 1, 1979, may serve out the terms which they are then serving as municipal judges of the circuit court if the municipality makes provision for the office of a municipal judge even though such judge may not meet the requirements of subsections 3, 7 and 8 of section 479.020.

3. Each judge of a municipal court in a city with a population of over 400,000 who is in office on January 1, 1979, and who is a full time judge, shall become a municipal judge for that city without action being required on the part of the city, shall serve out the term for which he was selected, and subject to the provisions of chapter 479, shall be eligible for retention in office at the end of such term under the provisions of any plan of merit retention for municipal court judges in effect on January 1, 1979, which shall be deemed to be continued in effect without action on the part of the city.

**479.040. Cities may elect where violations of municipal ordinances may be heard.—**1. Any city, town or village with a population of less than four hundred thousand may elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the county in which the city, town or village, or the major geographical portion thereof, is located; provided, however, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge or judges. If a municipality has elected to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the municipality may thereafter elect to provide for a municipal judge or judges to hear such cases; provided, however, if such later election is made all violations of that municipality's ordinances shall be heard and determined before a municipal judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule.

2. If after January 1, 1980, a municipality elects to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the municipality notifies the presiding judge of the

circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

3. Associate circuit judges of the county in which the municipality, or major geographical portion thereof, is located shall hear and determine violations of municipal ordinances of any municipality with a population of under four hundred thousand for which a municipal judge is not provided.

**479.050. Municipalities may establish traffic violation bureau, procedure, costs.**—The municipal judge or judges, or, in those municipalities where the violations of municipal ordinances are heard and determined by an associate circuit judge, or judges, the associate circuit judge, or judges, may establish a Traffic Violations Bureau in any municipality, and shall establish such a Bureau when a request therefore is made by the governing body of the municipality. The Traffic Violations Bureau shall operate under the supervision of the circuit court and those judges regularly hearing and determining municipal ordinance violation cases of the particular municipality and shall be operated in accordance with the rules of; the Supreme Court and the rules of the circuit court. All expenses incident to the operation of the Traffic Violations Bureau, including salaries of clerical personnel, shall be paid by the municipality; the municipality shall provide suitable quarters for the Traffic Violations Bureau; and all fines and costs shall be paid into the municipal treasury; provided, however, that when a municipality's ordinance violation cases are heard and determined by an associate circuit judge, or judges, provision may be made by circuit court rule for a Traffic Violation Bureau to be operated by the staff available to the associate circuit judge and in such case fines and costs shall be paid over and distributed as provided in subsection 2 of section 479.080.

**479.060. Clerks, courtroom, other employees—municipalities to provide for, when.**—1. Where municipal violations are to be tried before a municipal judge or judges, the governing body of the municipality shall provide by ordinance for a clerk or clerks and such other non-judicial personnel as may be required for the proper functioning of the municipal division or divisions and shall provide a suitable court room in which to hold court. The salaries of the judges, clerks and other non-judicial personnel and other expenses incidental to the operation of the municipal divisions shall be paid by the municipality.

2. Where the violations of municipal ordinances are heard and determined by an associate circuit judge and, at the request of the municipality, the associate circuit judge sits at the municipality rather than in the courtroom provided by the county, the municipality shall provide a suitable courtroom in which to hold court.

3. Where the violations of municipal ordinances are heard and determined by an associate circuit judge and, at the request of the municipality, a clerk or clerks or other non-judicial personnel are located in the municipality rather than at the courthouse provided by the county, the salaries of such personnel and other expenses incidental to the operation of their offices shall be paid by the municipality.

**479.070. Duties and powers of municipal judge.**—The municipal judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceeding therein and he shall keep such other records as required. Such docket and records shall be records of the circuit court. The municipal judge shall deliver said docket and records and all books and papers pertaining to his office to his successor in office or to the presiding judge of the circuit. The municipal judge shall have the power to ad-

minister oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine or imprison for contempt committed before such judge while holding court, in the same manner and to the same extent as a circuit judge.

**479.080. Fines and costs, where paid, deposited.**—Supreme Court may provide for uniform procedure.—1. In the prosecution of violations of municipal ordinances before a municipal judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the municipal treasury.

2. In the prosecution of violations of municipal ordinances before an associate circuit judge, all fines shall be paid to and deposited not less frequently than monthly into the municipal treasury and all court costs shall be accounted for and remitted to the state treasury in the same manner as provided by law for costs in misdemeanor cases.

3. The supreme court by administrative rule may provide for uniform procedure, and reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise provided by such administrative rule, the municipal judge, or associate circuit judge hearing and determining violations of municipal ordinances, shall cause the clerk serving his division, within the first ten days of every month, to make out a list of all the cases heard or tried before the judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and the cases in which there was an application for trial de novo, respectively. Such clerk or the judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk of the municipality, who shall lay the same before the governing body or the municipality at its first session thereafter. The official collecting fines shall, within the ten days aforesaid, pay to the municipal treasurer the full amount of all fines collected by him during the preceding month if not previously paid to the municipal treasurer.

**479.090. Prosecutions based on information only, proceedings.**—All prosecutions for the violation of municipal ordinances shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the supreme court rules governing practice and procedure in proceedings before municipal judges.

**479.100. Warrants; how issued and executed.**—All warrants issued by a municipal judge, or an associate circuit judge hearing violations of municipal ordinances, shall be directed to the city marshal, chief of police, or any other police officer of the municipality, or to the sheriff of the county. The warrants shall be executed by the marshal, chief of police, police officer or sheriff at any place within the limits of the county, and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

**479.110. Arrest without warrants, procedure.**—The city marshal, chief of police or other police officer of any municipality shall, without a warrant make arrests of any person who commits an offense in his presence, but such officer shall, before the trial, file a written complaint with the judge hearing violations of municipal ordinances.

**479.120. Municipality to designate attorney to prosecute violations—duties.**—It shall be the duty of an attorney designated by the municipality to prosecute the violations of the municipality's ordinances before the municipal judges or

before the associate circuit judges hearing the violations of that municipality's ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the municipality.

**479.130. Trial by jury, when.**—Any person charged with the violation of a municipal ordinance of a city of the third or fourth class shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge.

**479.140. Judge to be trier of fact, when.**—In any trial for the violation of a municipal ordinance, all issues of fact shall be tried by the judge except where trial by jury is authorized by law and the defendant or his attorney requests a trial by jury.

**479.150. Certification for assignment, when.**—In any municipality whenever a defendant accused of a violation of a municipal ordinance has the right to a trial by jury and demands such trial by jury, the municipal judge shall certify the case for assignment in the manner provided in subsection 2 of section 517.520.

**479.160. Witnesses, how summoned, fees.**—1. It shall be the duty of the municipal judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before associate circuit judges and shall be taxed as other costs in the case.

2. When a trial shall be continued by a municipal judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the municipal judge shall orally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons.

**479.170. Municipal judge without jurisdiction, when, procedure.**—If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

**479.180. Commitment in county jail, when—duty of sheriff.**—If a municipality has no suitable and safe place of confinement, the defendant may be committed to the county jail by the judge, and it shall be the duty of the sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such sheriff for the keeping of other prisoners in his custody.

**479.190. Parole or probation, when granted.**—Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.

**479.200. Appeals, trial de novo.**—1. In any case tried before a municipal judge who is not licensed to practice law in this state, the defendant shall have a right to trial de novo, even from a plea of guilty, before a circuit judge or an associate circuit judge.

2. In any case tried before a municipal judge who is licensed to practice law in this state or before an associate circuit judge, except where there has been a plea of guilty or the case has been tried with a jury, the defendant shall have a right of trial de novo before a circuit judge or upon assignment before an associate circuit judge. An application for a trial de novo shall be filed within ten days after judgment and shall be filed in such form and perfected in such manner as provided by supreme court rule.

3. In any case tried with a jury before an associate circuit judge a record shall be made and appeals may be had upon that record to the appropriate appellate court.

4. The supreme court may provide by rule what record shall be kept and may provide that it be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

**479.210. Recognizances and forfeitures.**—In case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event of cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge. All monies recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

**479.220. Disqualification of judge, when, procedure.**—A municipal judge shall be disqualified to hear any case in which he is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case.

**479.230. Absence of judge, procedure.**—1. If a municipal judge be absent, sick or disqualified from acting, the mayor or chairman of the board of trustees may designate some competent, eligible person to act as municipal judge until such absence or disqualification shall cease; provided, however, that should a vacancy occur in the office of an elected municipal judge more than six months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected municipal judge within less than six months of a general municipal election, the office may be filled by a competent, eligible person designated by the mayor or chairman of the board of trustees.

2. The governing body of the municipality shall provide by ordinance for the compensation of any person designated to act as municipal judge under the provisions of this section.

**479.240. Fines, installments allowed.**—When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.

**479.250. Municipal ordinances, evidence of, judicial notice of.**—In the trial of municipal ordinance violation cases, a copy of a municipal ordinance which is

certified by the clerk of the municipality shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the clerk serving the judge hearing a case and readily available for inspection by the parties, the judge may take judicial notice of such ordinance without further proof.

**479.260. Court costs, filing fees.**—1. Municipalities by ordinance may provide for court costs in an amount not to exceed \$12 per case for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the municipal clerk and disbursed as provided in subsection 1 of section 479.080.

2. In municipal ordinance violation cases which are filed before an associate circuit judge, court costs shall be assessed in the amount of \$10 per case. In the event a defendant pleads guilty or is found guilty, the judge shall assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case is dismissed, the judge shall not assess costs against the municipality. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. Such costs shall be collected by the division clerk or as provided by court rule and disbursed as provided in subsection 2 of section 479.080.

3. A municipality when filing cases before an associate circuit judge shall not be required to pay a filing fee.

4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal ordinance violation case.

5. In municipal ordinance violation cases, when there is an application for a trial de novo there shall be an additional fee of \$20 which shall be assessed as court costs in the same manner as provided in subsection 2 of this section.

6. Municipalities by ordinance may provide for a schedule of costs to be paid in connection with pleas of guilty which are processed in a traffic violations bureau. If a municipality files its municipal ordinance violation cases before a municipal judge, such costs shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files its municipal ordinance violations cases before an associate circuit judge, such costs shall not exceed the court costs authorized by subsection 2 of this section.

**479.270. Transfer or assignment of cases, procedure.**—If transferred by the supreme court or if assigned by the presiding judge of the circuit or pursuant to court rule, a circuit judge may hear municipal ordinance violation cases in those instances where provision is made in this chapter for such cases to be initially heard by an associate circuit judge and may exercise the other powers granted associate circuit judges by this chapter. Costs shall be assessed in the same amounts as if the cause was heard by an associate circuit judge. Such transfer or assignment may be on a case by case or general basis.

**546.881. St. Louis City workhouse, commitment.**—1. Every person committed to the workhouse of the City of St. Louis, or other place of punishment provided by that city, by the circuit court of the City of St. Louis, shall be put to hard labor at such work as his or her strength and health will permit, whether within

or without such place of imprisonment, and shall be under the control and management of those having charge of such prison, subject to such rules and regulations as the municipal assembly of St. Louis city may establish for such prisons.

2. If the party committed is unwilling although able to pay the fine and costs, if such be the punishment for the offense, in whole or in part, in payment of such fines and costs, the party committed shall be allowed for his or her work at the rate of ten dollars per day. No imprisonment for nonpayment of fine and costs shall exceed six months.

3. When a fine is assessed by the circuit court of the City of St. Louis the court may provide for the payment of the fine and costs on an installment basis under such terms and conditions as the court deems appropriate.

4. Any person, after being committed to the workhouse or other place of imprisonment provided by the city of St. Louis, for non payment of his or her fine and costs, desiring to pay same, shall make application to the judge of said court, who shall in open court order the fine and all costs of such person to be paid to the clerk of said court, whose duty it shall be to receive same, enter satisfaction on the execution in his execution book, and give notice in writing, under the seal of said court, to the superintendent or person having charge and control of said workhouse, that the execution against such person has been fully satisfied, whereupon such person shall immediately be discharged from said workhouse or place of punishment.

**478.434. Fines, penalties and forfeitures, to be paid into city treasury, reports.**—The Circuit Court of the City of St. Louis shall have power and is hereby required to see that all officers in the City of St. Louis, charged with the collection of fines, penalties and forfeitures, for misdemeanors under any law of this state, pay the same into the city treasury as required by law, and for that purpose said court shall have power to cite and compel every such officer, at least once in every three months, and oftener if need be, to make a written report, under oath, of all such fines, penalties and forfeitures collected by him; and if any such officer shall fail to make such report when cited, or to pay over the amount collected by him as required by law, then said court may compel him thereto, by attachment of his body.

**478.435. Register to furnish names of collectors to court.**—The register of St. Louis City shall, from time to time, as changes may occur, furnish to said court the names of all the officers contemplated by section 478.434.

**481.210. Probate judge, term—defined—other duties—salary paid by state.**—The term "probate judge" as used in subdivisions (1) and (2) of section 481.205 means the associate circuit judge of a county who serves as judge of the probate division of the circuit court of the county, and said term as used in subdivision (3) of section 481.205 means the circuit judge who serves as judge of the probate division of the county. Each judge of the probate division of the circuit court shall also be an ex-officio circuit judge of the circuit for such additional classes of cases as may be assigned to him by the presiding judge of the circuit if he be a circuit judge and an ex-officio associate circuit judge of the county for such additional classes of cases as may be assigned to him by the presiding judge of the circuit if he be an associate circuit judge. The salary payable to each such judge who serves as a judge of the probate division shall be payable to him in his capacity as such an ex-officio circuit judge or ex-officio associate circuit judge as the case may be and not in his capacity as a judge of the probate division, and such salary shall be paid monthly from the state treasury.

**482.155. Magistrate shall mean associate circuit judge.**—The term "magistrate" as used in section 482.150 shall mean associate circuit judge, except such term shall not include associate circuit judges who serve as the judge of the probate division of the circuit court. Notwithstanding the provisions of section 482.150, the salaries of all associate circuit judges shall be paid by the state.

**482.300. Judges to maintain separate docket for small claims—court to be known as small claims court—assignment of cases.**—1. Each judge of the circuit court hearing and determining small claims cases shall maintain a separate "small claims" docket and shall set aside and specify such times as may be reasonable and necessary for hearing "small claims" including, if necessary and desirable, Saturdays and evenings.

2. When such judge is hearing small claims matters, the court shall be known as "small claims court."

3. Unless and until a case or cases filed under the small claims procedures herein provided are otherwise assigned by the presiding judge of the circuit or by local circuit court rule,

(1) In counties where there is only one resident associate circuit judge, such cases shall be filed with the clerk serving such judge and thereafter heard by him;

(2) In counties where there is more than one resident associate circuit judge, such cases shall be heard by such associate circuit judge or judges as may be provided by local circuit court rule, or in the absence of such rule, as may be appointed by the presiding judge of the circuit, and such cases shall be filed with the clerks serving such associate judges as are so designated, unless a centralized filing system for such cases be provided by local court rule.

**482.305. Jurisdiction of small claims court.**—When sitting as a small claims court the judge shall have original jurisdiction of all civil cases, whether tort or contract, where the amount in controversy does not exceed five hundred dollars, exclusive of interests or costs, or as provided herein.

**482.310. Procedure in small claims court.**—In all small claims proceedings:

(1) Parties may prosecute their claims and defenses without the assistance of an attorney. Corporations or unincorporated associations, including labor union, may enter their appearance and be represented by an officer or authorized employee. Such representation shall not be deemed the unauthorized practice of law.

(2) Except as otherwise provided herein or by rule of the supreme court, the established structure, administration and procedures in the divisions of the circuit court presided over by associate circuit judges in the respective counties in matters heard and determined within the class of cases enumerated in subdivision (1) of subsection (2) of 478.225 shall prevail.

(3) Proceedings shall be conducted in an informal summary manner, and the formal rules of evidence and procedure shall not apply.

(4) The judge shall assume an affirmative duty to determine the merits of the claims and defenses of plaintiffs and defendants and may question parties and witnesses.

(5) No discovery shall be permitted.

(6) Trial shall be to the judge sitting without jury.

(7) The provisions of sections 482.300 to 482.365, RSMo, shall be liberally construed and applied to effectuate the purposes of the act. Judges sitting as a small claims court shall have the power and duty to construe and apply sections 482.300 to 482.365, RSMo, to further its purposes.



**482.315. Procedure if amount of claim exceeds jurisdictional limit.**—If the amount in controversy in an action exceeds five hundred dollars, a plaintiff may file and prosecute a small claims action for recovery of money, but he thereby waives his claim for any sum in excess of five hundred dollars in that or in any subsequent proceeding involving the same parties and issues.

**482.320. Counterclaims, filing, different transaction, same transaction, arising at hearing, duty of judge.**—1. At any time up to ten days after service of process and before the date of the hearing, the defendant may file a counterclaim which does not arise out of the same transaction or occurrence as the plaintiff's original claim. The pleading requirements for filing such a counterclaim shall be the same as those for the filing of the original claim.

2. At any time up to and including the time of the hearing, the defendant may raise a counterclaim which grows out of the same transaction or occurrence as the plaintiff's original claim.

3. If, during the course of the hearing, the judge determines that the defendant has a counterclaim arising out of the same transaction or occurrence as the plaintiff's original claim, the judge may question the parties on the counterclaim and render judgment on it as if it had been raised on the initiative of the defendant.

**482.325. Counterclaim exceeds jurisdictional limit, procedure, consent required—transfer of counterclaim—dismissal of counterclaim.**—If the amount of the counterclaim exceeds by itself the jurisdictional limit of the small claims court as established in section 482.305:

(1) The court shall have jurisdiction to hear both the claim and the counterclaim, with the consent of all parties to the proceeding. The court shall not accept the consent of any party unless the court shall have informed him that he has the right to consult with an attorney prior to giving or withholding his consent.

(2) If all parties do not consent and if the counterclaim grew out of the same transaction or occurrence as the plaintiff's original claim the cause shall be transferred by the small claims court to be heard by the associate circuit judge under procedures provided in chapter 517 if such might otherwise be heard and determined under such procedures, and in other cases the cause shall be certified for assignment in the manner provided in subsection 2 of section 517.520.

(3) If one or both of the parties does not consent and the counterclaim does not grow out of the same transaction or occurrence as the original claim, the court shall dismiss the counterclaim without prejudice to its being heard separately in an appropriate court.

(4) If one or both of the parties does not consent and if the counterclaim grew out of the same transaction or occurrence as the plaintiff's original claim, and the court determines in its judgment that the amount or nature of the counterclaim is not in good faith, then the court shall dismiss the counterclaim without prejudice.

**482.335. Duties of clerk of small claims courts—notice to be posted—plaintiff to advise clerk of time hearing preferred—clerk not practicing law.**—1. Clerks under the supervision of the small claims court judges shall explain to litigants the procedures and functions of the small claims court and shall assist them in filling out all forms and pleadings necessary for the presentation of their claim or counterclaim to the court. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices.

2. The location of the office where a small claims action can be filed and the location of the courtroom where small claims sessions are being held shall be conspicuously posted in the court building.

3. At the time of filing of a small claim, the plaintiff shall advise the clerk whether a daytime, evening or Saturday hearing is preferred by the plaintiff.

4. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants.

**482.340. Petition, form—summons, form, copy of petition to be attached—Supreme Court to promulgate rules regarding forms and procedures, available at no cost.—1.** An action on a small claim may be commenced by filing with the clerk of the small claims court a form substantially similar to the petition form provided in this section. Petition forms shall be provided by the clerk of the small claims court free of charge to any person.

#### SMALL CLAIMS COURT

In the Circuit Court of ..... Missouri

....., Plaintiff	}	Case number .....
vs.		Amount claimed .....
....., Defendant		Return date .....

#### PETITION

The plaintiff states that he has a claim against the defendant in the amount of \$ ..... The claim arose on or about ....., 19 ..... as a result of the following events:

Defendant can be found at ....., Telephone No. .... Plaintiff can be found at ....., Telephone No. ....

The plaintiff states that the allegations of this complaint are true and correct to the best of his knowledge, that he is not an assignee of this claim and that he has not filed more than three other claims in any Missouri small claims court during the previous twelve months. Plaintiff understands that should he be successful in this action and obtain a judgment, and if defendant does not appeal and this judgment becomes final, the plaintiff is barred from commencing another action involving the same parties and issues.

.....  
(Plaintiff)

2. The summons in a small claims action shall be made in a form substantially similar to the form below:

#### SUMMONS

TO EACH OF THE ABOVE NAMED DEFENDANTS: YOU ARE SUMMONED AND REQUIRED TO APPEAR IN PERSON IN ROOM ..... OF THE ..... BUILDING LOCATED AT ..... ON ....., 19 ....., AT THE HOUR OF .....

IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE AMOUNT ASKED IN THE COMPLAINT, BUT NOT TO EXCEED \$500 PLUS INTEREST AND COSTS. THIS ACTION HAS BEEN FILED

**UNDER THE SMALL CLAIMS COURT ACT. RULES OF EVIDENCE DO NOT APPLY AND YOU MAY DEFEND THIS ACTION WITH OR WITHOUT THE ASSISTANCE OF AN ATTORNEY.**

.....  
(Clerk of the Court)

3. A copy of the complaint shall be attached to the summons.

4. The supreme court of Missouri shall promulgate rules of court prescribing necessary forms and procedures in addition to those specified herein, to be used for processing a small claim. Copies of these forms and procedures shall be available to any person from the clerk of the small claims court without charge.

**482.355. Continuance may be granted, when—answer not required—failure of defendant to appear, procedure.—1.** The defendant in a small claim action shall appear at the time and place specified in the summons and the case shall be tried on the day set for appearance unless continued by the court upon request of either party. No party shall be entitled to a continuance, except on a showing of good cause and at the discretion of the small claims court judge. If the defendant appears, he need not file an answer, and, when no answer is filed, the allegations of the complaint shall be considered denied and any defense may be proved as if it were specifically pleaded.

2. If, upon the date set for the hearing of a small claims action, the defendant, having been duly served, fails to appear at the time and place specified in the summons or specified by the court in response to a request for a continuance, the court may enter judgment for the amount claimed. If the plaintiff does not appear, or if neither the plaintiff nor defendant appears, the court may enter an order dismissing the action. Any action so dismissed may not be brought in small claims court again, but may be brought in an appropriate division of the circuit court using regular proceedings.

**482.365. Judgment not lien on real property—trial de novo—clerks to assist in obtaining satisfaction of judgment, how.—1.** No judgment of a small claims court shall be a lien on real estate.

2. Any person aggrieved by any final judgment rendered by a small claims court in a small claims proceedings, except a judgment by consent, may have a trial de novo as provided in sections 512.180 to 512.320, RSMo.

3. The division or deputy clerks serving a small claims court judge shall assist judgment creditors in actions authorized in sections 482.300 to 482.365 in the preparation of forms necessary to obtain satisfaction of a final judgment where no application for trial de novo is pending.

**483.010. Qualifications of a clerk.—**No person shall be appointed or elected clerk of any court, unless he be a citizen of the United States, above the age of twenty-one years, and shall have resided within the state one whole year, and within the geographical area over which the court has jurisdiction or, in the case of circuit clerks, within the county from which elected, three months before the appointment or election; and every clerk shall, after his appointment or election, reside in the geographical area over which the court he serves has jurisdiction or, in the case of circuit clerks, in the county for which he is clerk.

**483.015. Election—term of office—commission—Jackson County court administrator to be clerk—St. Louis circuit clerk.—1.** At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the quali-

fied voters of each county and of the city of St. Louis, who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided by the county charter or ordinance; provided, however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county monthly a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect.

**483.020. Vacancy, how filled.**—When any vacancy shall occur in the office of any circuit clerk so elected, by death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the case of an elected clerk to fill such vacancy by appointing some eligible person to said office, who shall discharge the duties thereof until the next general election, at which time a clerk shall be chosen for the remainder of the term, who shall hold his office until his successor is duly elected and qualified, unless sooner removed.

**483.025. Clerk to give bond—conditions of bond.**—1. Every appellate court clerk, circuit clerk, and division clerk made responsible for the collection of fees by subsection 2 or 3 of section 483.550, before he enters on the duties of his office, shall enter into bond, payable to the state of Missouri, with good and sufficient securities, in any sum not less than five thousand dollars, except as otherwise provided by law, the amount to be fixed and the bond to be approved by the court of which he is clerk, or by a majority of the judges of such court (other than associate circuit and municipal judges in the case of a circuit clerk).

2. The bond shall be conditioned that he will faithfully perform the duties of his office, and pay over all moneys which may come to his hands by virtue of his office, and that he, his executors or administrators, will deliver to his successor, safe and undamaged, all books, papers, seals, apparatus and furniture belonging to his office.

3. After July 1, 1981, the premiums for such bonds shall be paid by the state.

**483.045. Clerk's bond to be recorded and deposited, where.**—All bonds of circuit clerks, division clerks required to be bonded and recorders of deeds shall be recorded in the recorder's office in their respective counties, and then deposited in the office of the secretary of state. All bonds of clerks of appellate courts shall be deposited in the office of the secretary of state.

**483.050. If surety of clerk is insufficient, new bond required.**—If, at any time, any court shall be satisfied that any surety of the clerk of said court is deceased or insolvent, or otherwise insufficient, or in danger of becoming in-

sufficient, or that the penalty of the bond of the clerk is not sufficiently large, it shall cause the clerk to enter into a new bond with sufficient security, which shall be deposited in the office of the secretary of state. If any clerk shall fail to give such bond within thirty days after he is required by the court, his office shall be vacated and a successor appointed.

**483.060. Allowances, how paid.**—All such allowances made to the clerks of the supreme court and the districts of the Missouri court of appeals shall be paid by the state, and those made to circuit and division clerks by the proper county except as otherwise provided by law. Allowances for clerks serving municipal divisions of the circuit court shall be paid by the municipality served by the clerk.

**483.065. Office and records, where kept.**—Each clerk shall keep his office at such places as the court shall direct, and shall there keep the records, papers, seal and property belonging to his office and transact his official business; except that, each clerk may store closed court files and the records and papers pertinent thereto at any secure place within the county wherein the court is held, if adequate provisions are made for the examination and use of same.

**483.075. Duties of clerk—when county clerk replaces circuit clerk.**—1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of his office thereto, or if none be provided, then his private seal; keep a perfect account of all moneys coming into his hands on account of costs or otherwise, and punctually pay over the same.

2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by the clerk of the county court, the reason therefor being noted on said process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk.

**483.080. Deputies, their duties.**—Every clerk may appoint such number of deputies or assistants as may be authorized to be appointed under procedures provided by law who shall be at least seventeen years of age and have all other qualifications of their principals and take the like oath, and may in the name of their principals perform the duties of clerk; but all clerks and their sureties shall be responsible for the conduct of their deputies or assistants.

**483.082. Court records, how kept.**—1. Notwithstanding the provision of any other statute to the contrary, it shall be the duty of the clerks of all courts to keep such records of the courts and in such a manner as may be directed by rule of the supreme court so that they shall accurately record all essential matters relating to the causes and matters within the jurisdiction of the court which are and have been pending before the court, including pleadings, motions and related documents, transactions, orders and judgments or decrees related thereto showing the course and disposition of causes and matters, the taxing and collection of court costs, and the setting of trial calendars or dockets of pending cases.

2. Recognizing that improved methods and systems of keeping records and data have been and will continue to be developed from time to time and that all court clerks should be empowered to utilize improved methods, systems and techniques of keeping records of essential matters, and notwithstanding the provisions of any other statute to the contrary, the methods, form and systems of keeping all such files and records shall be as directed and approved by rule of the supreme court.

483.083. Circuit clerks, compensation.—1. Circuit clerks shall be entitled to the aggregate of the compensation set forth in this section.

2. In addition to compensation otherwise provided, the circuit clerk of the City of St. Louis and the circuit clerk or the circuit clerk-ex officio recorder of deeds in all counties except counties of the first class shall receive compensation which shall be computed on a combination population-assessed valuation basis as set forth in the following schedule:

Population	Salary	Assessed Valuation	Salary
2,000 to 3,000	\$3875.00	Less than \$ 10 million	\$ 6750.00
3,001 to 4,000	3975.50	10 million to 11 million	8350.00
4,001 to 5,000	4000.00	11 million to 12 million	8437.50
5,001 to 6,000	4062.50	12 million to 13 million	8500.00
6,001 to 7,000	4125.50	13 million to 14 million	8562.50
7,001 to 8,000	4187.50	14 million to 15 million	8625.00
8,001 to 9,000	4250.00	15 million to 16 million	8687.50
9,001 to 10,000	4312.50	16 million to 17 million	8750.00
10,001 to 12,500	4375.00	17 million to 18 million	8812.50
12,501 to 15,000	4437.50	18 million to 19 million	8875.00
15,001 to 17,500	4500.00	19 million to 20 million	8937.50
17,501 to 20,000	4562.50	20 million to 22½ million	9062.50
20,001 to 25,000	4625.00	22½ million to 25 million	9187.50
25,001 to 30,000	4687.00	25 million to 27½ million	9312.50
30,001 to 35,000	4750.00	27½ million to 30 million	9437.50
35,001 to 40,000	4875.00	30 million to 32½ million	9562.50
40,001 to 45,000	5000.00	32½ million to 35 million	9687.50
45,001 to 50,000	5125.00	35 million to 37½ million	9812.50
50,001 to 60,000	5250.00	37½ million to 40 million	9937.50
60,001 to 70,000	5375.00	40 million to 42½ million	10062.50
70,001 to 80,000	5562.50	42½ million to 45 million	10187.50
80,001 to 90,000	5750.00	45 million to 47½ million	10312.50
90,001 to 100,000	5875.00	47½ million to 50 million	10437.50
100,001 to 125,000	6062.50	50 million to 55 million	10593.50
125,001 to 150,000	6250.00	55 million to 60 million	10750.00
150,001 to 200,000	6437.50	60 million to 65 million	10906.25
200,001 to 225,000	6625.00	65 million to 70 million	11062.50
225,001 to 250,000	6812.50	70 million to 75 million	11218.75
250,001 to 275,000	7000.00	75 million to 80 million	11375.00
275,001 to 300,000	7300.00	80 million to 85 million	11531.25
300,001 to 325,000	7500.00	85 million to 90 million	11687.50
325,001 to 350,000	7800.00	90 million to 95 million	11843.75
350,001 to 400,000	8312.50	95 million to 100 million	12000.00
400,001 to 450,000	8625.00	100 million to 125 million	12212.50

Population	Salary	Assessed Valuation	Salary
450,001 or more	9637.50	125 million to 150 million	12375.00
		150 million to 175 million	12562.50
		175 million to 200 million	12750.00
		200 million to 225 million	12937.50
		225 million to 250 million	13125.00
		250 million to 275 million	13312.50
		275 million or more	14750.00

The population factor shall be as disclosed by the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation.

3. In addition to the compensation otherwise provided, the circuit clerk of the city of St. Louis shall receive the sum of fifteen hundred dollars per year.

4. In addition to compensation otherwise provided, the circuit clerk in any county of the second class court is held in two cities shall receive the sum of three thousand dollars per year.

5. In addition to the compensation otherwise provided, the circuit clerk serving district no. 1 of the circuit court of Marion County and the clerk serving district no. 2 of the circuit court of Marion County shall each receive the sum of fifteen hundred dollars per year. In the event the judge orders child support payments in Marion County to be made through the clerk, the clerk shall annually on or before February 1 of each year charge ten dollars per year to each such person so obligated to make child support payments, which fee shall be paid to the county general revenue fund for so long as such clerk is paid by the county and shall be paid to the state if such clerk is paid by the state.

6. In addition to compensation otherwise provided, the clerk of district number 2 of the circuit court of Marion County shall receive the sum of two thousand dollars per year.

7. In addition to the compensation otherwise provided, the clerk of district number 2 of the circuit court of Marion County and the circuit clerk of Cape Girardeau County shall receive the sum of three hundred dollars per year.

8. (1) In counties of the first class not having a charter form of government for which compensation for the circuit clerk is not otherwise provided in this section, each circuit clerk shall receive the sum of twenty-two thousand dollars per year.

(2) Notwithstanding the foregoing provisions of this section, the circuit clerk in counties of the first class not having a charter form of government and not having more than one hundred fifty thousand and less than two hundred thousand inhabitants shall receive an annual salary of twenty-two thousand dollars as his total compensation for all services performed by him. Twelve thousand dollars shall be paid by the state in lieu of the salary formerly paid to the chief magistrate clerk whose former duties shall be performed by such circuit clerk notwithstanding the other provisions of chapter 483, RSMo, and until June 30, 1980, ten thousand dollars shall be paid by such county and thereafter such ten thousand dollars shall also be paid by the state.

9. Payment of the compensation provided in this section shall be payable in equal monthly installments, except that the salary of the circuit clerk of the city of St. Louis shall be paid in semimonthly installments. The compensation of all circuit clerks shall be paid by the counties and the city of St. Louis until June 30, 1980. From and after July 1, 1980, the compensation of all circuit clerks

shall be paid by the state and they shall be considered state employees for all purposes except the manner of their selection, appointment or removal from office; provided, however, that the circuit clerk of St. Louis County and the court administrator of Jackson County shall continue to be paid by those counties and shall not become state employees, but St. Louis County and Jackson County shall each be paid an amount which is equivalent to a circuit clerk's salary as provided in subsection 3 of section 483.015.

10. The compensation provided in this section shall be in lieu of all fees, and all fees collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise provided by law.

**483.130. Courts to direct filing of papers.**—Subject to other provisions of law, the provisions of supreme court rule and the supervisory jurisdiction of the supreme court, the courts, respectively, shall, by rule, direct the pleadings and other papers to be filed in such form and in such places as the court shall determine to best serve the citizenry, and shall direct their clerks in making up the rolls of the judgments rendered.

**483.140. Judge to superintend keeping of records.**—It shall be the special duty of every judge of a court of record to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly maintained and entries be made at the proper times as required by law or supreme court rule, and that the duties of the clerks be performed according to law and supreme court rule; and if any clerk fail to comply with the law, the court shall proceed against him as for a misdemeanor.

**483.145. Court to reconstruct records, when.**—In the event that a case file or record is lost or destroyed, it may be reconstructed under the supervision of the court.

**483.160. Clerks of courts to deliver reports to successors.**—1. Hereafter it shall be the duty of all court clerks to keep in their offices a catalogue of all reports belonging to their respective offices, and they shall deliver or account to their successors in office for all such reports.

2. And upon failure to so deliver the same, the prosecuting attorney of the proper city or county or the attorney general shall institute a suit, to the use of the state, against said clerk, or on the bond of said clerk, and in case of recovery in said suit, recovery shall be three times the value of said reports that said clerk shall have failed to deliver.

**483.170. Duty of court when clerk is charged with misdemeanor in office—notice—temporary clerk during suspension.**—1. When any court shall believe from its own knowledge or from information secured from others given to the court under oath or affirmation, that the clerk of the court has committed some act or acts constituting a misdemeanor in office, the court shall give notice thereof, stating the charge or charges against such clerk, to the attorney general of the state or the prosecuting attorney of the county, requiring him to prosecute the same; and such court may by order of record suspend such clerk from office until a trial upon such charge or charges can be had.

2. Pending such suspension, the court shall appoint some person possessing the qualifications required for the regular clerks of such court to act and perform the duties of the clerk of said court. Before entering upon the duties of his office



such temporary clerk shall take and subscribe an oath or affirmation and give bond as required for clerks of said courts. Such temporary clerk shall possess the same powers and perform the same duties as provided for clerks of the court to which they are appointed, and shall continue in office until the regular clerk of such court shall resume his office, or his successor shall be duly elected and qualified, as the case may be.

3. Provided, however, that when the court shall prefer charges against the clerk of any court as herein provided the said clerk shall remain in possession of and continue to perform the duties of this office by giving bond to the state with at least two solvent sureties, the amount of said bond to be fixed and the bond to be approved by the chief or presiding judge of the court, conditioned that said clerk and his sureties shall pay all costs, damages and fines which may be assessed against him upon his trial; and if said clerk shall fail to furnish said bond within fifteen days after receiving notice to do so, his suspension shall become fully effective and he shall surrender up his said office to the temporary clerk.

**483.180. Notice and copy of charges to be delivered—witnesses summoned.**—Such notice and a copy of the charges shall be delivered to such clerk thirty days at least before the day so appointed, and the attorney general or prosecuting attorney shall file such charges in the office of the clerk of the circuit court in the county where the clerk's office is located, and shall cause witnesses to be summoned to support the same, and shall prosecute such charges with all convenient speed.

**483.195. Clerk found guilty, removed and fined.**—If any clerk against whom charges shall be exhibited as aforesaid shall be found guilty thereof, he shall be removed from his office, and be fined at the discretion of the court in any sum not exceeding one thousand dollars to the use of the state; and he shall pay all the costs of the proceedings.

**483.200. If clerk acquitted, reinstatement—costs.**—If any such clerk shall be acquitted, he shall be reinstated in his office, and the state shall pay the cost.

**483.225. Office, where kept.**—Notwithstanding any other provisions of law or provisions of supreme court rules, the clerk of the supreme court shall keep his office in the supreme court building at Jefferson City and other personnel which the supreme court is authorized to appoint pursuant to section 477.005 may keep their offices in the supreme court building.

**483.235. Liable on bond for acts of his deputies.**—The clerk of the supreme court shall be liable on his official bond for the acts of his deputies in the discharge of their duties as such.

**483.240. Circuit clerks, duties and responsibilities—exceptions.**—1. Each circuit clerk shall have administrative control over, and be responsible for, the safe keeping of the records of the circuit court of each county or of the city of St. Louis, except for the following:

(1) Records in probate divisions;

(2) Records in cases while they are pending in divisions presided over by an associate circuit judge; provided, however, this subdivision (2) shall not apply to cases pending before associate circuit judges in the circuit court of the city of St. Louis;

(3) Records in cases while they are pending in the municipal divisions; and

(4) Records of the traffic violation bureaus.

2. Associate circuit judges and judges of the probate divisions who are au-

thorized to appoint division clerks shall have administrative control over the division clerks they appoint and the records of their divisions. With respect to divisions which are staffed by division clerks rather than by the circuit clerk or deputy circuit clerks, the judge appointing the division clerks for wthat division shall designate a chief division clerk who shall be primarily responsible for the safe keeping of the records of that division.

**483.241. Other clerks, duties.—1.** Deputy circuit clerks shall constitute the clerical staff of the circuit clerk to perform those duties for which the circuit clerk has general administrative control.

2. Division clerks shall constitute the clerical staff of the circuit court to perform the record keeping functions of the circuit court for which the circuit clerk does not have general administrative control, except with respect to records in cases while they pend in municipal divisions or in a traffic violations bureau maintained by a municipality. Division clerks shall be under the administrative control of the judge who appoints them.

3. Municipal clerks shall constitute the clerical staff of the circuit court to perform the record keeping functions in the municipal divisions.

4. Municipal clerks shall perform the clerical functions in the traffic violation bureaus in those municipalities which have a municipal judge or judges. Clerical personnel of the municipality shall perform the clerical functions of the traffic violation bureaus in those municipalities which have no municipal judges.

**483.242. Circuit clerks, appointments—termination date.—1.** The circuit clerks shall be entitled to appoint deputy circuit clerks in accordance with the following provisions:

(1) The circuit clerk of the city of St. Louis may appoint such deputy circuit clerks, with the approval of the circuit judges of the circuit, that are necessary to perform the duties of his office and fix their compensation which shall not exceed the annual rate of compensation fixed by the circuit judges of the circuit for the deputy circuit clerks. The clerk, with the consent and approval of the comptroller of the city of St. Louis, may require of any of the deputy circuit clerks, bonds in favor of the city of St. Louis and the clerk in the amounts determined by the clerk, with the consent and approval of the comptroller of the city. The cost of the bonds, together with the compensation to deputy circuit clerks shall be paid out of the treasury of the city of St. Louis. The compensation shall be paid in equal semimonthly installments.

(2) In counties of the first class not having a charter form of government, the clerk of the circuit court may appoint deputy circuit clerks. The number, appointment and salary of all deputy circuit clerks shall be approved by a majority of the circuit judges, which approval shall be by order entered of record in the minutes of the court en banc. Salaries of all deputy circuit clerks shall be paid out of the county treasury in the same manner the salary of the circuit clerk is paid.

(3) In all counties of the first class now or hereafter containing more than seven hundred thousand inhabitants, the circuit clerk shall with the approval of a majority of the circuit judges of the circuit appoint the deputy circuit clerks and fix their salaries, which shall be paid out of the county treasury.

(4) The circuit clerk of all counties of the second class shall be entitled to such a number of deputy circuit clerks to be appointed by said clerk, as the circuit judges of the circuit may deem necessary for the prompt and proper discharge of the duties of the office. Such deputy circuit clerks shall receive

such salaries as may be fixed by the circuit judges to be paid out of the county treasury, in the same manner as the salary of the circuit clerk is paid. Every order permitting the appointment of deputy circuit clerk by the circuit clerk shall designate the period of time such deputy circuit clerk may be employed, and shall be entered of record in the office of the circuit clerk and a certified copy thereof filed in the office of the county clerk. The circuit clerk may at any time, discharge any deputy circuit clerk, and may regulate the time of his or her employment, and the circuit judges may, at any time, modify or rescind its order permitting an appointment to be made.

(5) Every circuit clerk in counties of the third and fourth class shall be entitled to such number of deputy circuit clerks to be appointed by such official, with the approval of the circuit judges of the circuit, as such judges shall deem necessary for the prompt and proper discharge of the duties of his office. The circuit judges of the circuit, in their order permitting the circuit clerk to appoint deputy circuit clerks, shall fix the compensation of such deputy circuit clerks which order shall designate the period of time such deputy circuit clerks may be employed. Such salaries shall be paid out of the county treasury in the same manner as the salary of the circuit clerk is paid. Every such order shall be entered on record, and a certified copy thereof shall be filed in the office of the county clerk. The circuit clerk may, at any time, discharge any deputy circuit clerk, and may regulate the time of his or her employment and the circuit judges may at any time modify or rescind its order permitting an appointment to be made.

(6) Clerical personnel in the office of the circuit clerk of St. Louis County shall continue to be selected, retained and paid in the manner provided in the charter of St. Louis County and as the same has or may be lawfully implemented.

(7) Clerical personnel in the office of the court administrator of Jackson County shall continue to be selected, retained and paid in the manner provided in the charter of Jackson County and as the same has or may be lawfully implemented.

2. This section shall terminate June 30, 1981.

**483.243. Division clerks, appointment, compensation—termination date.—1.** The judge of each division of the circuit court which on January 2, 1979 replaced a magistrate court judgeship shall, except in the city of St. Louis, appoint and fix the salary of the chief division clerk for his division and may appoint and fix the salaries of such other division clerks as may be necessary for the proper dispatch of the business of his division. The total salaries of the chief division clerk and the other division clerks for the division paid by the state shall in no event exceed the annual amount fixed in this subsection 1 for division clerk hire for the division, provided, that in any county where need exists, the county court is hereby authorized, at the cost of the county, to provide such additional division clerks as may be required for the division and to provide funds for the payment of salaries or parts of salaries of such division clerks in addition to the amounts payable by the state. The total amount to be paid by the state in any one year for such division clerks of such divisions of the circuit court in the different counties or the city of St. Louis shall not exceed the following sums:

(1) In all counties now or hereafter having a population of ten thousand seven hundred and fifty inhabitants or less, the sum of ten thousand five hundred dollars;

(2) In all counties now or hereafter having a population of more than ten thousand seven hundred and fifty inhabitants but not more than fifteen thou-

sand inhabitants, with an assessed valuation of eleven million dollars or less, the sum of ten thousand five hundred dollars;

(3) In all counties now or hereafter having a population of more than ten thousand seven hundred and fifty inhabitants but not more than fifteen thousand inhabitants, with an assessed valuation of more than eleven million dollars, the sum of ten thousand eight hundred dollars;

(4) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than thirty thousand inhabitants, with an assessed valuation of twenty-four million dollars or less, the sum of eleven thousand seven hundred dollars;

(5) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than thirty thousand inhabitants, with an assessed valuation of more than twenty-four million dollars, the sum of eleven thousand nine hundred dollars; provided, that in all such counties in which the probate division of the circuit court is required by law to be held in more than one place such salaries shall not exceed the sum of twenty-one thousand eight hundred dollars;

(6) In all counties now or hereafter having a population of more than fifteen thousand inhabitants but not more than forty thousand inhabitants, with an assessed valuation of more than twenty-six million dollars, and containing all or part of a city having four hundred fifty thousand inhabitants, the sum of twelve thousand five hundred dollars;

(7) In all counties now or hereafter having a population of more than thirty thousand inhabitants but not more than forty thousand inhabitants, the sum of ten thousand nine hundred and twenty dollars for each associate circuit judgeship;

(8) In all counties now or hereafter having a population of more than forty thousand inhabitants but not more than seventy thousand inhabitants, the sum of eleven thousand three hundred and twenty dollars for each associate circuit judgeship;

(9) In all counties now or hereafter having a population of more than seventy thousand and not more than one hundred thousand inhabitants, the sum of eleven thousand seven hundred dollars for each associate circuit judgeship;

(10) In all counties now or hereafter having a population in excess of one hundred thousand inhabitants, except as otherwise provided by law the sum of thirteen thousand five hundred dollars for each associate circuit judgeship;

(11) In all counties of the first class having a charter form of government, the sum of fourteen thousand five hundred dollars for each associate circuit judgeship;

(12) In the city of St. Louis, the sum of fourteen thousand five hundred dollars for each associate circuit judgeship plus a single additional sum of fifteen thousand dollars, all of which shall be payable by the state to among those deputy circuit clerks who serve associate circuit judges in the city of St. Louis in lieu of division clerks. The numbers and salaries of deputy circuit clerks serving associate circuit judges in the city of St. Louis shall be established in the same manner as other deputy circuit clerks, and those serving associate circuit judges who are to receive salaries from the state shall be designated by the circuit clerk.

2. The judge of each division of the circuit court which on January 2, 1979 replaced a probate court judgeship shall be entitled to appoint division clerks in accordance with the following provisions:

(1) In counties having more than thirty thousand inhabitants, the judges of

the probate division shall appoint division clerks, assistants and stenographers to serve the probate divisions and shall determine their number and their salaries by order of record and may remove them when in the discretion of the judges it is deemed advisable. All salaries of such appointees shall be paid monthly by the county, upon requisition issued by the judge of the probate division of the circuit court.

(2) In counties having more than thirty thousand and less than two hundred fifty thousand inhabitants, the total salaries of all division clerks, assistants and stenographers serving the probate division for any one calendar year shall not exceed the total sum of fees received and accounted for by the judge of the probate court or probate division of the circuit court for the preceding year, except that in on event shall the total sum exceed forty-five thousand dollars except as provided hereinafter in subdivision (3), and except that in counties where the total sum of fees received and accounted for by the judge for the preceding year shall be less than four thousand two hundred dollars, the total salaries of all such appointees shall not exceed the sum of four thousand two hundred dollars.

(3) In counties having more than one hundred fifty thousand and less than two hundred fifty thousand inhabitants, and in counties of the second class in which the circuit court on January 1, 1979, held court in more than one city, the total salaries of all division clerks, assistants and other employees serving the probate division for any one calendar year shall not exceed the total sum of fifty thousand dollars.

(4) In any county where need exists, the county court is authorized to provide for additional division clerks, assistants and other employees serving the probate division as the county court in its discretion believes are required and is authorized to provide funds for payment of salaries or parts of salaries of such division clerks, assistants and other employees in addition to the amounts allowed by subdivision (2).

(5) In any county having two hundred fifty thousand or more inhabitants, the total salaries of all division clerks, assistants and stenographers serving the probate division for any calendar year shall not be such that the total salaries of the judge's appointees shall exceed the total sum of fees received and accounted for by the judge for the year, other than the salary of a commissioner paid by the state.

3. This section shall terminate June 30, 1981.

**483.245. Deputy circuit clerks, appointment, removal—clerks may determine salary.**—1. The provisions of this section shall become effective on July 1, 1981.

2. The circuit clerk, or person exercising the authority of the circuit clerk pursuant to county charter, shall appoint all deputy circuit clerks. The circuit clerk may remove from office any deputy circuit clerk whom he appoints. All division clerks shall be appointed by the judge of the division such clerks serve, and such judge may remove from office any division clerk whom he appoints.

3. Notwithstanding the provisions of subsection 2 of this section, if, on June 30, 1981, in any county or in the city of St. Louis, there exists by reason of local charter, a plan of merit selection and retention or other similar personnel plan, providing for selection, tenure or retention of deputy circuit clerks or division clerks, after the effective date of this section, as to clerical personnel who were on June 30, 1981, under such a plan, the provisions for merit retention and tenure shall continue to apply as to such persons insofar as is reasonable possible even though they are paid by the state and become state

employees, and the circuit court en banc shall be considered as the commission or board for determining the propriety of any disciplinary or dismissal action.

4. In addition to the authority to remove deputy circuit clerks and division clerks hereinabove provided, the circuit court en banc may remove from office a deputy circuit clerk or division clerk for cause.

5. The maximum number of deputy circuit clerks for each county and the maximum number of division clerks for a particular division shall be determined by order of the circuit court en banc. Such order may be modified for cause by order of the supreme court, or if no order is entered providing for the number of deputy circuit clerks and division clerks, the supreme court may enter such order.

6. The salaries of deputy circuit clerks and division clerks shall be established by the circuit clerk in the case of deputy circuit clerks or the judge appointing the division clerk in the case of division clerks within salary ranges and classifications which may from time to time be established by administrative rule of the supreme court. Such salary ranges and classifications may be further refined by order of the circuit court en banc. The salaries of deputy circuit clerks and division clerks shall be paid by the state and they shall be state employees.

7. Notwithstanding the other provisions of this section providing for the establishment of the number of deputy circuit clerks and division clerks serving the various circuit courts and the determination of their salaries, such determinations shall not be construed as mandating appropriations to fund such positions, and the payment of the salaries and emoluments of deputy circuit clerks and division clerks shall be subject to the availability of monies appropriated for those purposes by the general assembly or federal grant monies.

8. For purposes of this section, the circuit court en banc shall be deemed to include all circuit and associate circuit judges of the entire circuit, and determinations or orders of the circuit court en banc shall be by action of a majority of such judges in office.

**483.246. Municipal clerks, selection, tenure, compensation,—limitation on compensation.**—The selection, tenure and compensation of municipal clerks shall be as provided by the municipality involved; provided, however, that the compensation of municipal clerks shall not be predicated upon the amount of fines levied or the number of guilty pleas or adjudications of guilt in causes processed through the municipal divisions or the traffic violations bureaus which they serve.

**483.248. Deputy clerks, division clerks to be state employees, when, retirement.**—On July 1, 1981, persons who were employed on June 30, 1981, as employees of St. Louis County and who were or who performed the duties of deputy circuit clerks or division clerks shall become employees of the state. Such persons shall thereupon become participants in the Missouri State Employees' Retirement System. In lieu of obtaining prior service credit pursuant to the provisions of subsection 7 of section 104.340 any such person who is a participant in the St. Louis County Employees' Retirement Plans (Plan A and Plan B) and who has accrued at least three years of credited service under the County Retirement Plans shall be entitled to prior service credit with the Missouri State Employees' Retirement System for service rendered to the county upon payment to the Missouri State Employees' Retirement System of an amount equal to the contribution paid to the County Retirement Plan that the person would receive as a refund plus the contribution paid into the County

Retirement Plan by the County on behalf of such person. This section is enacted to fulfill the requirements of section 204.145 of the Revised Ordinances of St. Louis County.

**483.260. Clerk to employ attorney.**—The clerk of the circuit court of the city of St. Louis may employ an attorney or attorneys to aid and advise him in the discharge of his duties, to render independent legal advice and services and to represent him in court. The attorneys employed by the clerk shall receive in the aggregate as compensation for their services five thousand dollars per annum, payable in semimonthly installments out of the treasury of the city of St. Louis until June 30, 1981, and thereafter out of the state treasury.

**483.265. Municipal assembly to appropriate money for compensation and other necessary expenses of circuit clerk's office—termination date.**—1. It shall be the duty of the municipal assembly, or other legislative body or bodies of the city of St. Louis, to appropriate the money necessary for the payment of the herein provided salaries to the said clerk, his deputies, assistants and other employees, and legal fees and bond premiums and said moneys shall be paid by the treasurer of said city out of said money appropriated, upon warrant drawn and countersigned by the proper officers of said city of St. Louis, pursuant to the charter thereof.

2. This section shall terminate June 30, 1981.

**483.310. Investment of funds in registry in savings deposits—income, how used—clerk defined.**—1. Whenever any funds are paid into the registry of any circuit court and the court determines, upon its own finding or after application by one of the parties, that such funds can be reasonably expected to remain on deposit for a period sufficient to provide income through investment, the court may make an order directing the clerk to deposit such funds as are described in the order in savings deposits in banks, savings and loan association, or in United States treasury bills. Deposits of such funds in any bank or savings and loan association shall not exceed the limits of the federal deposit insurance on accounts in such institution. All such accounts shall be in the name of the "Clerk of the ..... Court as Trustee in ..... (Style and Cause Number)," the exact name to be prescribed in the court's order. The court may prescribe a bond or other guarantee for the security of the fund. Necessary costs, including reasonable costs for administering the investment, may be paid from the income received from the investment of the trust fund. The net income so derived shall be added to and become a part of the principal.

2. In the absence of such an application by one of the parties within sixty days from the payment of such funds into the registry of the court, the clerk of the court may invest funds placed in the registry of the court in savings deposits in banks or savings and loan associations carrying federal deposit insurance to the extent of the insurance or in United States treasury bills and the income derived therefrom shall be used by the clerk for paying the premiums on bonds of employees of the clerk, rent on safety deposit boxes, printing of pamphlets or booklets of the rules adopted by the court, clerk and forms used in the court which comply with the statutes of the state of Missouri and the rules of the Supreme Court, copies of which shall be distributed to litigants and members of the bar practicing in the court, and the balance, if any, shall be paid into the general revenue fund of the county. Provided, however, that if any application for the investment of such funds is filed by one of the parties after sixty days, an order may be entered providing for investment of funds as pro-

vided in subsection 1, and the clerk shall thereupon reinvest such funds within a reasonable time thereafter in accordance with the order.

3. As used in this section and section 483.312, the term "clerk" shall mean the circuit clerk with respect to funds in those cases for which the circuit clerk is responsible for collecting fees as provided in subsection 1 of section 483.550 and shall also mean those clerks who are designated by or pursuant to subsections 2 and 3 of section 483.550 to collect fees with respect to funds in those cases for which they are so made responsible for collecting fees.

**483.312. Security required for deposit of funds in circuit court registry.—1.** Whenever any funds placed in the registry of the circuit court in any county, and in cities now having or which hereafter have six hundred thousand inhabitants or more, are deposited in a banking institution, the funds in excess of the amount, if any, of federal deposit insurance carried by said banking institution under the law as it now exists or as it may be hereafter amended, shall be secured by the depository by the deposit of securities of the character prescribed by section 30.270, RSMo, for the security of funds deposited by the state treasurer under the provisions of section 30.240, RSMo.

2. The securities shall have a constant value equal to the excess of the deposit over the federal deposit insurance, if any, and at the option of the depository banking institution, be delivered to the clerk, or be deposited with such disinterested banking institution or safe depository as trustee as may be satisfactory to both parties to the depository agreement.

3. The rights and duties of the several parties to the depository contract shall be the same as those of the state and the depository banking institution respectively under section 30.270, RSMo. If a depository banking institution deposits the bonds or securities with a trustee as above provided, and the clerk gives notice in writing to the trustee that there has been a breach of the depository contract and makes demand in writing on the trustee for the securities, or any part thereof, then the trustee shall forthwith surrender to the clerk a sufficient amount of the securities as may fully protect the depositor from loss and the trustee shall thereby be discharged of all further responsibility in respect to the securities so surrendered.

**483.420. Circuit clerk, office (Cape Girardeau County).—**The circuit clerk of Cape Girardeau county shall maintain and staff offices at the courthouses in Jackson and Cape Girardeau.

**483.445. District No. 2 clerk, qualifications—election (Marion County).—**There shall be a clerk of district number 2 of the circuit court of Marion county, who shall possess the qualifications of other clerks of the circuit courts, who shall be elected by the qualified voters of the townships of Mason and Miller in Marion county, at the same times, in the same manner and for the same time as shall be provided by law for the clerks of the circuit courts and who shall continue in office until his successor is elected and qualified. The clerk of district number 2 of the circuit court of Marion county shall have all of the rights, powers and duties of circuit clerk within Mason and Miller townships in Marion county and shall be paid as a circuit clerk except to the extent specifically otherwise provided. All vacancies in his office shall be supplied in the same manner as in like cases in the office of the circuit clerk. The clerk provided by this section shall be in addition to the circuit clerk of Marion county. The circuit clerk of Marion county shall serve district number 1 of the circuit court of Marion county, and shall serve as the ex-officio recorder of deeds for all of Marion county.



**483.450. Residence and office hours of clerk.**—The clerk of district number 2 of the circuit court of Marion county shall reside in said city of Hannibal, and shall keep his office open at all reasonable hours.

**483.495. Funds available for judges—may provide for chief division clerk (Greene County)—termination date.**—1. In addition to the state funds available for division clerk hire as provided in subsection 1 of section 483.243, the associate circuit judges of Greene county shall have available from state funds the sum of twelve thousand dollars. By order of a majority of said associate circuit judges, they may provide for a single chief division clerk for the associate circuit judges or they may divide the said sum among division clerks serving the associate circuit judges.

2. This section shall terminate June 30, 1981.

**483.530. Fees allowed in certain cases—termination date.**—The clerk who is responsible for collecting fees under the provisions of section 483.550 shall charge and collect the following fees:

(1) In misdemeanor cases where there is no application for a trial de novo, the sum of \$10;

(2) In misdemeanor cases where there is an application for a trial de novo, the sum of \$20 in addition to the fee provided in subdivision (1);

(3) In felony cases, the sum of \$10 in each preliminary hearing;

(4) In felony cases, the sum of \$15 for each information or indictment filed;

(5) In municipal ordinance violation cases, the sum or sums provided in section 479.260;

(6) For each civil case which is instituted and maintained under procedures provided in chapter 517 or to which such chapter 517 procedures have application, the following sums:

Each such case instituted .....\$10

Each additional summons issued for additional defendants .....\$ 1

Each alias summons issued .....\$ 1

Each pluralis summons issued .....\$ 1

Each third party summons issued .....\$ 1;

(7) For each civil case which is instituted and maintained under small claims court procedures, the sum or sums provided in section 482.345;

(8) In cases processed under chapter 517 procedures or small claims court procedures where there is an application for trial de novo, the sum of \$20 in addition to the fee provided in subdivisions (6) and (7);

(9) In cases within the probate jurisdiction, the sums provided in section 483.580;

(10) In all other civil cases, the following sums:

Each such case instituted .....\$25.00

Each additional summons issued for additional defendants .....\$ 1.00

Each alias summons issued .....\$ 1.00

Each pluralis summons issued .....\$ 1.00

Each third party defendant summons issued .....\$ 1.00

When a case pends under chapter 517 procedures and it is certified for assignment as provided in subsection 2 of section 517.520, the fee provisions of this subdivision (10) shall apply in lieu of the fee provisions contained in subdivisions (6) and (8).

**483.540. Certain fees, disposition.**—1. Until June 30, 1981, the following provisions shall apply:

(1) The fees provided in subdivisions (1), (3), (6), and (7) of section 483.530 shall be paid over by the responsible clerk not less frequently than monthly to the director of revenue of the state;

(2) Fifty percent of the fees provided in subdivisions (2), (4), (8), and (10) of section 483.530 shall be paid over by the responsible clerk not less frequently than monthly to the director of revenue of the state, and the other fifty percent of such fees collected shall be paid over by the responsible clerk not less frequently than monthly into the county treasury or, in the case of the circuit court of the city of St. Louis, into the city treasury.

2. This section shall terminate on June 30, 1981.

**483.545. Certain fees, disposition—effective date.**—From and after July 1, 1981, the fees provided in section 483.530, in subdivisions (1), (2), (3), (4), (6), (7), (8), (9) and (10) of section 483.530, and in subsections 2 and 5 of section 479.260 shall be paid over by the responsible clerk not less frequently than monthly as follows:

(1) Eighty percent of said fees shall be paid to the director of revenue of the state; and

(2) Twenty percent of said fees shall be paid into the county treasury or, in the case of the circuit court of the city of St. Louis, into the city treasury.

**483.541. Fees deposited, where—termination date.**—1. All circuit court fees received by the director of revenue shall be deposited by him with the state treasurer in the "Court Judicial Fund" which is hereby created; provided, that the treasurer shall deposit all moneys in excess of two hundred fifty thousand dollars in general revenue. The money in the court judicial fund shall be used for no other purpose than for the payment of salaries of the supreme court, districts of the court of appeals, and circuit judges and commissioners; provided however, that such salaries shall be paid from the general revenue fund of the state whenever the balance in the court judicial fund or the appropriation from such fund is insufficient to pay the salaries.

2. This section shall terminate June 30, 1979.

**483.550. Clerks to charge, collect fees, when.**—1. Each circuit clerk shall charge, collect, and be the responsible clerk for every fee accruing to his office to which he may be entitled under the law, except that the circuit clerk shall not be responsible for or under a duty to collect the following fees:

(1) Fees in a case pending in the probate division of the circuit court;

(2) Fees in a case while it pends in a municipal division of the circuit court;

(3) Fees in a case which was originally filed and pends before an associate circuit judge; provided, however, that such exception with respect to cases filed and pending before an associate circuit judge shall not apply (a) in the city of St. Louis and (b) when by local circuit court rule it is provided that cases which are to be heard by associate circuit judges shall be centrally filed and final judgments therein maintained in an office which is operated and staffed by the circuit clerk and his deputies.

2. Each chief division clerk for the probate division of the circuit court shall charge and collect every fee accruing to the probate division of the circuit court to which it may be entitled under the law.

3. In divisions presided over by associate circuit judges for which the circuit clerk is not responsible for collecting fees as hereinabove provided, the associate circuit judge shall designate by order entered of record a division clerk who shall be responsible for the collection of all fees with respect to cases in the division; or if there be a centralized filing and docketing system for two or more divisions

presided over by an associate circuit judge, then a division clerk or clerks shall be designated in accordance with the provisions of local circuit court rule by an order which shall be entered of record and if there be no such rule adopted then a majority of the associate circuit judges being served shall designate a division clerk or clerks who shall be responsible for the collection of all fees with respect to cases in the divisions served by the centralized filing and docketing system.

4. Each clerk who is made responsible for the collection of fees under the provisions of this section shall not less frequently than monthly remit the funds to the county treasurer or the comptroller of the city of St. Louis in the case of moneys due a county or the city of St. Louis and to the director of revenue in the case of moneys due the state. The responsible clerk shall file such reports with respect to fees as may from time to time be required by the commissioner of administration or the state courts administrator.

5. If fees be not paid when due by the party liable for payment, it shall be the duty of the responsible clerk to forthwith issue a fee bill for same and place such fee bill in the hands of the sheriff or other proper officer of the county or the city of St. Louis who shall forthwith levy same on the person, persons, associations or corporations liable therefor, or their sureties, as authorized by section 514.330.

6. The responsible clerks shall make periodic reports of delinquent fees which are due a county or the city of St. Louis at such times as may be requested from time to time by a county court or the comptroller of the city of St. Louis. The responsible clerks shall also make periodic reports of delinquent fees at such times and in such form as may be required by the commissioner of administration or the state courts administrator.

7. It shall be the duty of each prosecuting attorney when such be referred to him by the responsible clerk, by the county court or comptroller of the city of St. Louis, by the commissioner of administration or by the state courts administrator to reasonably attempt to collect such delinquent fees. In the case of delinquent fees which are payable to the state, it shall be the duty of the attorney general as well when such be referred to him by the commissioner of administration or by the state courts administrator to reasonably attempt to collect such delinquent fees.

**483.580. Fees in probate proceedings.**—1. In all probate proceedings in the probate divisions of the different circuit courts in this state, there shall be charged against and collected from the estates or parties requiring the services of the probate division of the circuit court, fees as follows:

(1) Decedents' estates

In each decedent's estate where letters testamentary or of administration are applied for

(a) Where the fair market value at date of death of the probate assets, including both real and personal property, less liens and encumbrances, but before claims and costs of administration, is:

Not over \$5,000.00 .....	\$ 65.00
Over \$5,000.00 but not over \$10,000.00 .....	75.00
Over \$10,000.00 but not over \$15,000.00 .....	85.00
Over \$15,000.00 but not over \$20,000.00 .....	95.00
Over \$20,000.00 but not over \$25,000.00 .....	105.00
Over \$25,000.00 but not over \$30,000.00 .....	115.00
Over \$30,000.00 but not over \$35,000.00 .....	125.00
Over \$35,000.00 but not over \$40,000.00 .....	135.00
Over \$40,000.00 but not over \$45,000.00 .....	145.00

Over \$45,000.00 but not over \$50,000.00 .....	155.00
Over \$50,000.00 but not over \$55,000.00 .....	165.00
Over \$55,000.00 but not over \$60,000.00 .....	175.00
Over \$60,000.00 but not over \$65,000.00 .....	185.00
Over \$65,000.00 but not over \$70,000.00 .....	195.00
Over \$70,000.00 but not over \$75,000.00 .....	205.00
Over \$75,000.00 but not over \$80,000.00 .....	215.00
Over \$80,000.00 but not over \$85,000.00 .....	225.00
Over \$85,000.00 but not over \$90,000.00 .....	235.00
Over \$90,000.00 but not over \$100,000.00 .....	245.00
Over \$100,000.00 but not over \$125,000.00 .....	255.00
Over \$125,000.00 but not over \$150,000.00 .....	265.00
Over \$150,000.00 but not over \$175,000.00 .....	270.00
Over \$175,000.00 but not over \$200,000.00 .....	275.00
Over \$200,000.00 but not over \$250,000.00 .....	280.00
Over \$250,000.00 but not over \$300,000.00 .....	285.00
Over \$300,000.00 but not over \$350,000.00 .....	290.00
Over \$350,000.00 but not over \$400,000.00 .....	295.00
Over \$400,000.00 but not over \$450,000.00 .....	300.00
Over \$450,000.00 but not over \$500,000.00 .....	305.00
Over \$500,000.00 but not over \$550,000.00 .....	310.00
Over \$550,000.00 but not over \$600,000.00 .....	315.00
Over \$600,000.00 but not over \$650,000.00 .....	320.00
Over \$650,000.00 but not over \$700,000.00 .....	325.00
Over \$700,000.00 but not over \$750,000.00 .....	330.00
Over \$750,000.00 but not over \$800,000.00 .....	335.00
Over \$800,000.00 but not over \$850,000.00 .....	340.00
Over \$850,000.00 but not over \$900,000.00 .....	345.00
Over \$900,000.00 but not over \$950,000.00 .....	350.00
Over \$950,000.00 but not over \$1,000,000.00 .....	355.00
Over \$1,000,000 .....	365.00

(b) Notwithstanding any other provision of sections 483.580 and 473.097 the following schedule shall apply in any city not within a county of over 600,000 population:

Not over \$10,000 .....	\$ 75.00
Over \$10,000 but not over \$25,000 .....	115.00
Over \$25,000 but not over \$50,000 .....	155.00
Over \$50,000 but not over \$100,000 .....	245.00
Over \$100,000 but not over \$500,000 .....	305.00
Over \$500,000 .....	365.00

(c) There shall be an additional fee of \$25.00 for each twelve months or part thereof after the first twelve months an estate remains open after grant of letters until an order of discharge is entered or administration is otherwise terminated or suspended.

(2) Guardianships.

(a) In each matter of the guardianship of the person only of minors, \$15.00 for each grant of letters.

(b) In the matter of the guardianship of the person only of incompetents, \$50.00 for each grant of letters;

(c) In each matter of the guardianship of the person and estate only of minors, a basic charge of \$40.00 for each grant of letters plus an additional charge of \$20.00 for each twelve months or part thereof after the first twelve months an

estate remains open after grant of letters until an order of discharge is entered or administration is otherwise terminated or suspended;

(d) In each matter of the guardianship of the person and estate or estate only of incompetents, a basic charge of \$50.00 for each grant of letters plus an additional charge of \$25.00 for each twelve months or part thereof after the first twelve months an estate remains open after grant of letters until an order of discharge is entered or administration is otherwise terminated or suspended; the basic charge herein mentioned shall not include any allowance made by the court to the attorney appointed by it to represent the alleged incompetent.

(3) For issuing orders refusing to grant letters pursuant to section 473.090, RSMo, to a surviving spouse or an unmarried minor child, \$7.50 for each order; to a creditor, \$15.00 for each order.

(4) For proceedings for the collection of small estates on the affidavit of distributees pursuant to section 473.097, RSMo, \$9.00.

(5) For proceedings for the involuntary hospitalization of persons pursuant to chapter 202 or 195, RSMo, \$35.00, which costs shall not include any fee for any attorney appointed by the court in the proceeding.

(6) For proceedings to determine heirship pursuant to section 473.663, RSMo, \$30.00.

(7) For proceedings pursuant to section 145.310, RSMo, to assess Missouri inheritance and estate taxes where no letters are granted, \$15.00.

(8) For proceedings for the sale of real estate by a non-resident guardian pursuant to section 475.340, RSMo, \$50.00.

(9) For proceedings to dispense with administration pursuant to section 475.320, RSMo, \$40.00.

(10) For proceedings to dispense with guardianship pursuant to section 475.330, RSMo, \$10.00.

(11) For proceedings to admit a will to probate where no letters are granted, \$15.00.

(12) For supervising all estates in each court and having appraised such of said estates as may be liable for taxes under the state inheritance tax law, in addition to the fees applicable as herein provided, a fee of two and one-half percent of all such inheritance taxes finally assessed and paid on property assessed through the respective courts shall be charged, the same to be collected by said courts from the person whose duty it is to pay such tax; provided in all estates in which the state treasurer or the executor, administrator, or trustee in charge thereof, shall be required under the provisions of the inheritance tax law to refund to the person entitled thereto any inheritance tax collected by them, the state or county receiving same shall refund to the person entitled thereto out of the two and one-half percent fee on such tax the proportional part thereof which any person may be entitled to as a refund.

(13) For copies, the charge not to exceed \$1.00 for the first page and \$1.00 for each additional page or portion thereof, and \$0.50 for the certificate; provided, however, that in counties of the first class having a charter form of government, wherein the probate division of the circuit court holds hearings in two cities within said county, the charge for copies shall not exceed \$1.00 per page and \$1.50 per certificate.

(14) The fees for any services rendered by the probate divisions of the different circuit courts not specifically provided for above shall be determined by the court and shall be consistent with the above fees, but not to exceed \$15.00.

2. The fees provided in this section shall be charged and collected by the judge or clerk of the probate division of the circuit court.

**483.581. Distribution of fees—termination date.**—1. The fees collected pursuant to section 483.580 shall be collected, accounted for and distributed as follows:

(1) In counties now or hereafter having thirty thousand inhabitants or less, twenty percent of all fees collected shall be paid to the county treasurer and eighty percent of all fees collected shall be paid to the state director of revenue.

(2) It shall be the duty of the judge and clerk of the probate division of the circuit court to charge upon behalf of the state or county as the case may be every fee that accrues for the services of such judge, clerk, or court; except that in counties now or hereafter having more than two hundred and fifty thousand inhabitants the duty to charge such fees shall be imposed on the clerk of the probate division of the circuit court.

(3) In counties now or hereafter having thirty thousand inhabitants or less, the judge or clerk of the probate division of the circuit court shall, at the end of each month, file with the state director of revenue a written report, verified by his affidavit, specifying the name and court number of each estate in which fees were paid during such month, and at the same time pay over to the director of revenue eighty percent of all moneys collected as fees, taking two receipts therefor, one of which shall be immediately filed with the state treasurer.

(4) In all counties which now or may hereafter have more than thirty thousand inhabitants such fees shall be charged on behalf of the county and paid over to the county treasurer who shall issue a receipt therefor. The reports herein required to be made to the director of revenue shall be made to the county treasurer.

(5) In counties now or hereafter having more than two hundred and fifty thousand inhabitants such fees shall be charged, collected and paid over and the above-mentioned reports and affidavits shall be made by the clerk of the probate division of the circuit court in accordance with the procedure prescribed in sections 483.585 to 483.600.

(6) This section and section 483.580 shall apply on and after September 28, 1973 to all pending matters in the probate courts or in the probate divisions of the circuit courts regardless of when commenced. Fees for matters commenced but not concluded before September 28, 1973 shall be adjusted in accordance with this section, and the courts shall make additional charges or refunds accordingly.

2. This section shall terminate June 30, 1981.

**483.582. Fees paid to treasurer—used for salaries (first class noncharter counties)—termination date.**—1. In all counties of the first class not having a charter form of government and not containing all or a part of a city having a population of more than four hundred fifty thousand inhabitants, the clerk or judge of the probate division of the circuit court shall, at the end of each month, pay to the county treasurer all fees charged and collected on behalf of the probate division of the court, and the treasurer shall receipt therefor. The judge of the probate division shall fix the salaries of his clerks, assistants and stenographers, and out of the fees paid over to the treasurer shall be paid the salaries of his clerks, assistants and stenographers, and, if a balance remains, the judge may direct that it be used for payment of all expenses incurred by him for supplies and expenses necessary to the office, upon requisition drawn by the judge of the court on the county treasurer. The total of all salaries paid out during any calendar year shall not exceed the total fees collected by the judge during the year.

2. This section shall terminate June 30, 1981.

**483.584. Report of fees to county treasurer, when, contents (certain first class**

counties)—termination date.—1. At the end of each month, the clerk of the probate division shall file with the county treasurer a written report showing all fees collected during that month. The report shall also show the salaries paid and an itemized list of expenditures, showing the amount thereof and the date when and to whom paid, which report shall be sworn to by the clerk.

2. This section shall terminate June 30, 1981.

483.585. Fees paid to county treasury—salaries of assistants fixed (counties of 250,000 and St. Louis City)—termination date.—1. In all counties now or hereafter having a population of two hundred and fifty thousand inhabitants or more, and in cities not within a county, the clerk or judge of the probate division of the circuit court shall, at the end of each month, pay to the county treasurer, or in a city not within a county, to the city treasurer, all fees charged and collected on behalf of the probate division, and said treasurer shall receipt therefor. The judge of the probate division shall fix the salaries of his clerks, assistants and stenographers, and out of the fees paid over to the treasurer shall be paid the salaries of his clerks, assistants and stenographers, which are not paid by the state and all expenses incurred by him for supplies and office equipment used in the office, upon requisition drawn by the judge on said county or city treasurer. The total of all salaries and expenses so paid out during any calendar year shall not exceed the total fees collected by such judge during such year.

2. This section shall terminate June 30, 1981.

483.586. Excess fee funds to county school fund, when (certain first class counties)—termination date.—1. In all counties of the first class not having a charter form of government and not containing all or part of a city having a population of more than four hundred fifty thousand inhabitants, whenever the probate fees collected in any such county during any calendar year, irrespective of the date of accrual of the fees, exceed the sum actually expended during the year for salaries and expenses as provided in section 483.582, a sum equal to the excess fees shall be transferred by the county treasurer to the school fund of the county after the final report of the calendar year of fees and salaries and expenses paid is made by the clerk of the probate division; provided that each year a sum sufficient to pay the salaries of the clerks, assistants and stenographers of the probate division which are not payable by the state and the expenses to be incurred by the probate division for supplies and expenses necessary to the office for the first ninety days of the ensuing year may be retained by the treasurer for the payment of the salaries and expenses; and at the end of the ninety day period then the excess fees shall be transferred as above required.

2. This section shall terminate June 30, 1981.

483.588. Delinquent fees, report of, when—county treasurer to collect—termination date.—1. Within ninety days after the close of any calendar year, the clerk of the probate division shall make a written report to the county treasurer of all fees which the clerk has been unable to collect; the amounts thereof and the name of the estate in which the same are due, which report shall be verified by affidavit of the clerk that the clerk has been unable, after the exercise of diligence, to collect the same. It shall thereupon be the duty of the treasurer to cause the same to be collected by law, and when collected, to place the same in the school fund.

2. This section shall terminate June 30, 1981.

483.590. Clerk of probate division of circuit court to file monthly report (counties of 250,000 and St. Louis City)—termination date.—1. At the end of each

month, the clerk of the probate division shall file with the county treasurer, or in a city not within county, with the city treasurer, a written report showing all fees collected, and the date when collected. Said report shall also show the salaries paid; and an itemized list of expenditures for supplies and office equipment, showing the amount thereof and the date when and to whom paid, which report shall be sworn to by said clerk.

2. This section shall terminate June 30, 1981.

**483.595. Excess fees transferred to school fund (counties of 250,000 and St. Louis City)—termination date.**—1. In all counties now or hereafter having more than two hundred and fifty thousand inhabitants, whenever the probate fees collected in any such county, or in a city not within a county, during any calendar year, irrespective of the date of accrual of such fees, exceed the sum actually expended during such year for salaries and expenses as provided in section 483.585, a sum equal to such excess fees shall be transferred by the county treasurer or city treasurer to the school fund of such county or city within five days after the final report of fees and salaries, and expenses paid is made by the clerk of the probate division, provided that each year a sum sufficient to pay the salaries of the clerks, assistants and stenographers of the probate division which are not payable by the state and the expenses to be incurred by the probate division for supplies and office equipment to be used in the office for the first ninety days of the ensuing year may be retained by said treasurer for the payment of said salaries and expenses; and at the end of said period an amount equivalent to the sum received shall be transferred as above required.

2. This section shall terminate June 30, 1981.

**483.600. Report of past-due fees—collection and disposition (counties of 250,000 and St. Louis City)—termination date.**—1. Within ninety days after the close of any calendar year, said clerk shall make a written report to such county or city treasurer of all fees which have been due and unpaid for more than one year; the amounts thereof and the name of the estate in which the same are due, which report shall be verified by affidavit of such clerk that he has been unable, after the exercise of diligence, to collect the same. It shall thereupon be the duty of such treasurer to cause the same to be collected by law, and when collected to place the same in such school fund.

2. This section shall terminate June 30, 1981.

**483.605. Excess fee to school fund (counties over 30,000)—termination date.**—1. In all counties now or hereafter having more than thirty thousand inhabitants, whenever the probate fees collected in any such county during any calendar year, irrespective of the date of accrual of such fees, exceed the sum actually expended during such calendar year for the hire of clerks, assistants and stenographers of the probate division, a sum equal to such excess fees shall be transferred to the school fund of such county by the county treasurer within five days after the final report of fees and salaries paid is made by the judge.

2. This section shall terminate June 30, 1981.

**483.617. Fees not to be charged against counties or St. Louis City, when.**—Notwithstanding the provisions of sections 483.530, 483.550, 483.610, 483.615, 550.030, 550.040 and 550.090 and any other provisions of law, if any criminal case be dismissed after the effective date of this section, no fees shall be chargeable against the counties or the City of St. Louis upon such dismissal.

**483.639. Records transferred to circuit clerk—certificate of clerk effective,**



how (St. Louis City).—On January 2, 1979, all records of the St. Louis court of criminal correction and those records in the possession of the clerk for criminal causes shall be transferred to the circuit clerk of the city of St. Louis. These records shall be kept and preserved by that clerk as a permanent part of the records of the circuit court of the city of St. Louis. The circuit clerk is authorized to issue certified copies of any of these records and his certificate of them shall have the same effect as if certified by a clerk of the original court.

**483.640. Records transferred to clerk (Marion County).**—On January 2, 1979 all records of the Hannibal court of common pleas shall be transferred to the clerk of District No. 2 of the circuit court of Marion county. These records shall be kept and preserved by that clerk as a permanent part of the records of District No. 2 of the circuit court of Marion County. The said clerk is authorized to issue certified copies of these records and his certificate of them shall have the same effect as if certified by a clerk of the original court.

**483.650. Records transferred to clerk (Cape Girardeau County).**—On January 2, 1979, all records of the Cape Girardeau court of common pleas shall be transferred to the circuit clerk of Cape Girardeau county. The records shall be kept and preserved by that clerk as a permanent part of the records of the circuit court of Cape Girardeau county. The said clerk is authorized to issue certified copies of these records and his certificate of them shall have the same effect as if certified by a clerk of the original court.

**483.660. Records of probate courts transferred.**—All records belonging to a probate court on January 1, 1979, shall on January 2, 1979, become records of the circuit court; provided however, said records shall remain under the general administrative and supervisory control of the judge of the probate division who shall be responsible for storing and safekeeping said records. The circuit clerk and the division clerk of the probate division of the circuit court are authorized to issue certified copies of such probate court records, and all courts of this state shall recognize such certified copies as if made by a clerk of the original court.

**483.670. Records of magistrate courts transferred.**—All records belonging to a magistrate court on January 1, 1979, shall on January 2, 1979, become records of the circuit court. The circuit clerk and division clerks who have immediate control of such records are authorized to issue certified copies of such magistrate court records, and all courts of this state shall recognize such certified copies as if made by a clerk of the original court.

**483.680. Records of municipal courts transferred, when, how.**—1. All records belonging to a municipal court on January 1, 1979, shall on January 2, 1979, become records of the circuit court in which such municipality or major geographical area thereof shall be located. Physical custody of such records shall not, however, be transferred to the circuit clerk or to a division clerk of the circuit court except as hereinafter provided, but rather physical custody of such records shall be maintained by the municipality. Physical custody of such records shall be transferred to the circuit court in the following situations:

(1) When a municipality makes provision for a municipal judge of the circuit court to serve such municipality beginning on January 2, 1979, the records in cases which are pending on January 1, 1979, shall be placed in the custody of the municipal clerk serving the municipal judge;

(2) When a municipality does not make provision for a municipal judge of

the circuit court to serve such municipality beginning on January 2, 1979, the records in cases which are pending on January 1, 1979, shall be placed in the custody of the circuit clerk or the division clerk serving the associate circuit judge to whom such cases are assigned;

(3) When the records of a case or cases are ordered transferred pursuant to local circuit court rule.

2. If physical custody of such records which belonged to a municipal court on January 1, 1979, is not transferred or ordered to be transferred as provided in subdivisions (1), (2) or (3) of subsection 1 of this section by January 1, 1982, such records shall cease to be records of the circuit court, shall be considered thereafter as records of the particular municipality, and may or may not be disposed of as determined by the municipality.

3. If physical custody of such records is transferred as provided in subdivisions (1), (2) or (3) of subsection 1 of this section, the clerk having custody of such records is authorized to issue certified copies of such municipal court records as well as copies of later municipal ordinance violation cases in his possession, and all courts of this state shall recognize such certified copies as if made by a clerk of the original court.

**485.010. Presiding judge may appoint secretary, additional staff—set salaries—source of funds for salaries.—1.** The presiding judge of each circuit may appoint a secretary or other staff personnel to aid the presiding judge in the administration of the judicial business of the circuit. Such secretary and other staff personnel appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The personnel authorized by this section are in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary and number of secretarial or other staff personnel shall be established by the presiding judge of the circuit within funds made available for that purpose. Personnel authorized by this section shall be paid from state funds or federal grant monies which are available for that purpose and not from county funds.

**485.040. Judges of circuit courts to appoint reporters—qualifications.—1.** For the purpose of preserving the record in all cases for the information of the court, jury and parties, and for expediting the public business, each circuit judge shall appoint an official court reporter who shall be a Certified Court Reporter as provided by Rule 14 of the supreme court. Such court reporter shall be a sworn officer of the court, and shall hold his office during the pleasure of the judge appointing him, and on the death, resignation, or retirement of that judge, the reporter shall retain his office until the judge's successor is elected, or appointed.

2. In lieu of a full time court reporter, a circuit judge who serves as the judge of the probate division may utilize the services of a Court Reporter on a part time basis or may preserve the record in the manner provided in section 478.072.

**485.055. Reporters may be transferred, when—power and rights.—1.** Whenever the supreme court makes an order temporarily transferring a circuit judge to a circuit court other than the court to which he was appointed or elected, or whenever any such judge is temporarily transferred or assigned in a manner other than by order of the supreme court, the supreme court, upon written notice from such transferred judge, shall, if the regular reporter is for any reason unavailable and the transfer is deemed necessary, order the temporary trans-

fer of the official court reporter of the court of such transferred judge to accompany the judge and perform all the duties of the official court reporter of the court to which the judge is transferred in the matters heard or considered by the transferred judge while so transferred, and the official court reporter shall perform the same duties, make the same charges for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were regularly appointed official reporter of the court to which he was temporarily appointed.

2. Upon the request made to the supreme court by a circuit judge whose official reporter is absent by reason of illness or physical incapacity, for the transfer of a reporter, the supreme court may, with the consent of the judge appointing him, or without such consent if said judge is absent or incapacitated, order the temporary transfer of another official reporter to said circuit court, and the official reporter shall perform the same duties, make the same charged for his services, and be subject to the same laws and rules while acting as such transferred reporter as though he were the regularly appointed official reporter of the court to which he was temporarily appointed.

3. In all judicial circuits having more than one circuit judge, in the absence or incapacity of one of the judges, the presiding judge may order the court reporter of said absent or incapacitated judge to act as court reporter of another division of said court when he shall deem such action necessary.

**485.060. Compensation of reporters.**—The court reporter for a circuit judge shall receive an annual salary of twenty-two thousand five hundred dollars, payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed.

**485.065. Source of funds for reporter's salary.**—1. Until June 30, 1979, eleven thousand two hundred and fifty dollars of the salary of the court reporter shall be paid out of the county treasury and eleven thousand two hundred and fifty dollars out of the state treasury. Where a judicial circuit is composed of more than one county, the county part of the salary, or salaries if there be more than one reporter, shall be divided among the counties and be paid by them proportionately as the population of each county bears to the entire population of the circuit. Until June 30, 1979, one-half of the expense of a part time reporter for a circuit judge serving as judge of the probate division as provided in subsection 2 of section 485.040 shall be paid out of the county treasury and one-half shall be paid out of the state treasury.

2. From and after July 1, 1979, the entire salary of each court reporter and the expense of part time court reporters for circuit judges serving as judges of the probate division as provided in subsection 2 of section 485.040 shall be paid out of the state treasury.

**485.075. Temporary reporter appointed, when—compensation.**—In the absence of the official reporter of any circuit judge because of illness or physical incapacity to perform his duties, the judge may appoint a temporary reporter, who shall perform the same duties and receive the same compensation as provided for the regular reporter for the time served by the appointee as temporary reporter, to be paid upon certification of the judge making such appointment. No temporary appointment shall continue through more than thirty court days in any calendar year.

**485.090. Reimbursement for expenses while attending court—how paid.**—Every official court reporter of a circuit court of a judicial circuit comprised of

two or more counties, in addition to his salary, shall be reimbursed for all sums of money actually expended by him in necessary hotel and traveling expenses while engaged in attending any regular, special or adjourned term of court at any place in the judicial circuit in which he is appointed, other than the county of his residence, or while engaged in going to and from any such place for the purpose of attending terms of court. Until June 30, 1979, one-half of the actual expenses of the official court reporter, as herein provided, shall be paid out of the county treasury and one-half out of the state treasury. Where a judicial circuit is composed of more than one county, the county part of the expense shall be divided among the counties in the manner provided in section 485.065; provided, however, that the actual expenses of the official court reporter upon transfer from the judicial circuit to which assigned shall be paid out of the state treasury. From and after July 1, 1979, all of such actual expenses shall be paid out of the state treasury.

**485.100. Fees for transcript of notes.**—For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of seventy cents per twenty-five line page for the original of the transcript, and the sum of twenty cents per twenty-five line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the county until June 30, 1979, upon a voucher approved by the court, and taxed against the state or county as may be proper. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the same to be furnished, and the court reporter's fees for making the same shall be paid by the county until June 30, 1979, upon a voucher approved by the court, and taxed against the state or county as may be proper; and in such case the court reporter shall furnish three transcripts in duplication of the notes of the evidence, for the original of which he shall receive seventy cents per legal page and for the copies twenty cents per page. From and after July 1, 1979, the payment of court reporter's fees provided in this section to be paid by the county before that date shall be made by the state upon similar voucher approval.

**485.110. Reporter to furnish duplicate copies of transcript—fees.**—In any case taken by appeal or writ of error from any circuit court, where it is necessary to present a transcript of the testimony or proceedings therein to any appellate court for a review of said cause, after the transcript on appeal shall have been approved according to law, or the bill of exceptions shall have been settled, which shall contain all the pleadings, testimony and proceedings on the trial of said cause, or so much thereof as may be necessary for the purpose of the appeal or review, the official court reporter shall be required, when thereto requested by either appellant or plaintiff in error, to furnish for filing in the office of the clerk of said court a duplicate copy thereof certified to officially; and for making such duplicate copy (or any other duplicate copy) said court reporter shall receive from the party who shall take such appeal or sue out such writ of error the sum of fifteen cents per legal page for each carbon copy thereof, and the total amount of his fees for making the original transcript and said duplicate copy

shall be paid at the time of making such transcript and copy by the party at whose instance the same is made, and this amount, when so paid, shall be taxed as costs to abide the results of the case; provided, however, that if the cause be reversed in the appellate court the cost of said transcript and copy filed with the clerk of the trial court shall be taxed against the losing party in the appellate court. Said certified additional copy in any criminal case shall be inserted by the clerk of said court in his certified transcript of the record of the case, which is transmitted by him to the appellate or reviewing court, without recopying or charging for recopying the same.

**485.120. Fees, when taxed.**—In every contested case, or case in which the evidence is to be preserved, except for the collection of delinquent or back taxes, before any circuit judge when an official court reporter is appointed, the clerk of said court shall tax up the sum of five dollars, to be collected as other costs, and paid by said clerk into the county or city treasury, towards reimbursing the county or city for the compensation allowed such reporter as hereinbefore provided; provided, however, that after July 1, 1979, such sums shall be paid by said clerk to the director of revenue of the state.

**485.150. Associate circuit judge may appoint stenographer, when—fee.**—Each associate circuit judge may appoint a competent stenographer or reporter to write and certify evidence of witnesses in cases of homicide and such stenographer shall be allowed a fee of fifteen cents for every one hundred words and figures. Such fee shall be taxed as costs and paid as other costs in the case.

**490.320. Copy of deed, when evidence.**—When any deed or conveyance affecting real estate has been recorded more than twenty years, and has not been proved or acknowledged, according to law, when so recorded, but has been subsequently duly proved, and read upon the trial of any litigated cause in any of the courts of record of this state, and a copy of such deed or conveyance has been preserved in a bill of exceptions taken and filed in such cause, and a transcript of the proceedings therein has been filed in the supreme court or any district of the court of appeals, upon proof that the deed or conveyance has been lost or destroyed, the copy thereof contained in such transcript, duly certified under the hand and seal of the clerk of the proper court, may be read in evidence in any suit.

**490.470. Copies of official bonds.**—Copies of all bonds required by law to be given by sheriffs, collectors, county treasurers, collectors of the revenue, clerks of the supreme court, districts of the court of appeals, circuit and county courts, recorders, and all other officers of or under the state, who are required by law to give bond for the faithful performance of their duties, duly certified by the seal of office of the officer in whose custody the bond is required by law to be kept, may be sued upon, and shall be received in evidence, to all intents and purposes, as the originals themselves.

**490.550. Affidavit to be filed in court before trial.**—Such affidavits shall not be received in evidence in the county court, or probate division of the circuit court or before associate circuit judges, unless the same shall be filed in the cause five days before the trial, nor in any other division of the circuit court, unless the same shall be filed in the cause ten days before the trial.

**492.150. Special commissioner appointed when, qualifications—time and place of depositions—enforcement of subpoenas issued by other officer.**—1. When the witness is found in this state, the deposition may be taken by the proper officer

without any commission or order of the court or clerk except that whenever a notice is given, as required by law, in a cause pending in any circuit court of any county or of the city of St. Louis to take such deposition, the party upon whom such notice is served, as provided by law, may, at any time after the service of such notice and before the taking of such deposition shall be commenced, after having given the party or his attorney of record on whose behalf such notice was served, one day's written notice by delivering a copy thereof to all adverse parties or their attorneys of record, of his intention to apply for the appointment of a special commissioner to take such deposition and of the time and place of making such application, make an application, accompanied by a service copy of the notice of application, to the court or to the judge thereof to appoint a special commissioner to take such deposition under such notice. The court or judge may, in its or his discretion, appoint a special commissioner to take the deposition. Such commissioner shall be an attorney of record, disinterested and of no kin to any party in the cause and may be a resident of any county or the city of St. Louis. The court or judge shall designate in the order the time and place for the taking of the deposition by the special commissioner but thereafter the commissioner may continue such taking from time to time.

2. The special commissioner shall alone be authorized to take the depositions but any subpoena which has been issued by an authorized officer and has been served upon the witness, as required by law, commanding his presence at the time and place designated in the notice is sufficient to require the attendance of the witness before the special commissioner at the time and place designated in the order appointing the special commissioner. In the event the witness does not attend in obedience to the subpoena, the special commissioner is authorized to compel his attendance by attachment as if the subpoena had been issued by him under the authority conferred on him by law.

**492.430. Petition for commission to take depositions.**—A commission shall be granted to take such depositions by any judge of the supreme court, the court of appeals, or of any circuit court, except a municipal judge, on the presentation of a petition, in writing, of one or more parties, supported by his or their affidavit, or the affidavit of some credible person, setting forth the nature of his or their interest, right or claim, the facts intended to be proved, the names of the individuals whose testimony is desired, and the place or places of their residence.

**494.020. Persons ineligible for service.**—1. The following persons shall be ineligible to serve as a juror, either grand or petit:

- (1) Any person who has been convicted of a felony, unless such person has been restored to his civil rights, or of a misdemeanor involving moral turpitude;
- (2) Any person who is unable to read, write, speak and understand the English language;
- (3) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (4) Any licensed attorney at law;
- (5) Any judge of a court of record;
- (6) Any person who, in the judgment of the court or other authority charged with the duty of selecting jurors, is incapable of performing the duties of a juror because of mental or physical illness or infirmity;
- (7) Any person not drawn or selected according to the applicable provisions, respectively, of chapter 540, RSMo, as amended, relating to the selection of grand jurors; chapter 494, RSMo, as amended, relating to the selection of jurors in counties of the third and fourth classes; chapter 495, RSMo, as amended, relating

to the selection of jurors in counties of the second class; chapter 496, RSMo, as amended, relating to the selection of jurors in counties now or hereafter containing a population of seven hundred thousand inhabitants or more; chapter 497, RSMo, as amended, relating to the selection of jurors in judicial circuits comprised of a county now or hereafter having a population of not less than four hundred and fifty thousand nor more than seven hundred thousand inhabitants; chapter 498, RSMo, as amended, relating to the selection of jurors in cities of more than five hundred thousand inhabitants.

2. Any person who has served as a member of a grand jury panel within ten years next preceding his selection shall not be eligible for service as a grand juror.

**494.031. Persons entitled to be excused from jury service.**—The following persons shall, upon their timely application to the court, be excused from service as a juror, either grand or petit:

- (1) Any person over the age of sixty-five years;
- (2) Any woman who requests exemption before being sworn as a juror;
- (3) Any person licensed to engage in and actually engaged in the practice of medicine, osteopathy, chiropractic or dentistry;
- (4) Any person actually performing the duties of a clergyman;
- (5) Any professor or teacher in any school or institution of learning;
- (6) Any person who has served upon a regular state or federal petit jury panel within one year next preceding his application;
- (7) Any officer or employee of the executive, legislative or judicial departments of the federal, state, county or city government who is actively engaged in the performance of his duties;
- (8) Any person whose absence from his regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;
- (9) Any person upon whom service as a juror would in the judgment of the court impose an undue hardship.

**494.230. Board of jury commissioners (third and fourth class counties).**—In each county of the third and fourth class the clerk of the circuit court and the judges of the county court together with the presiding judge of the circuit, or a circuit or associate circuit judge assigned by him, a majority of whom shall constitute a quorum for the transaction of business, shall constitute a board of jury commissioners for their respective counties. The clerk of the circuit court of such counties shall be ex officio clerk of the board of jury commissioners, and his duty shall be to assist the board in the performance of the clerical part of their work, and such clerks shall perform such other duties and services as may be required of him by the board or any member thereof, with respect to the things to be done by the board of jury commissioners, as provided by law. The time, place and manner of meetings of the board, and rules for performing its duties shall be fixed by the board.

**494.240. Selection of names for jury box, procedure for.**—The board of jury commissioners of each county not less than thirty days before the commencement of the circuit court shall select names of not less than four hundred persons having all requisite qualifications of jurors by consulting any public records, and thereafter shall add new names so that the number of names selected shall at all times total four hundred, irrespective of the terms of court; and the board of jury commissioners in selecting the names shall select, as near as practicable, the same number from each township in the county according to the relative popula-

tion, and shall determine how many petit jurors and alternate petit jurors shall be selected from each township in the county and the names of the persons and the townships from which they are selected shall be written on separate slips of paper of the same size and kind and all the names so selected from any one township shall be placed in a box with a sliding lid to be provided for that purpose and thoroughly mixed.

**494.310. Application of certain sections.**—The duties to be performed in the selection of jury panels by the circuit judge and the circuit clerk under sections 494.230 to 494.290 for district number 2 of the circuit court of Marion county shall be performed by the presiding judge of the circuit or an associate circuit judge assigned by him and the clerk of said district, the other members of the jury commission for such district being the judges of the county court of Marion county.

**494.330. Grand and petit juries for district 2 of Marion County Circuit Court.**—The general laws of the state of Missouri which are now or hereafter may be in force relating to the grand jurors and petit jurors in Marion county, shall apply to district number 2 of the Marion county circuit court, and the court may make all necessary orders to carry this section into effect, and the sheriff shall summon a grand jury from the townships of Mason and Miller, in said county, when ordered by said court, who shall be sworn and charged as other grand jurors, and be governed in all their proceedings by the law in force concerning grand jurors, and be subject to the same liabilities, and receive the same compensation.

**494.340. Qualifications, selection and compensation of jurors, procedure same.**—In each county, except as otherwise provided by law, the qualifications, selection and compensation of jurors in cases heard before an associate circuit judge, and the procedure to be followed in impanelling the jury, shall be the same as provided in cases heard before circuit judges in that county.

**495.010. Method of selecting grand jury.**—In all counties of this state constituting a judicial circuit which have not less than seventy-five thousand nor more than two hundred thousand inhabitants and which contain a city or part of a city of more than seventy-five thousand inhabitants, the grand jury shall be selected in the following manner, to wit: The jury commission shall select from the eligible jurors of the county the names of two hundred persons known or believed by them to be in every way fitted for the grand jury service, the selection being repeated whenever deemed necessary by the circuit judges. The name of each person on the grand jury list selected, shall be written or printed on a stiff card and the said cards shall be of the same kind and size, the cards to be placed in a wheel or box and before any drawing shall be had therefrom the cards in the wheel or box shall be thoroughly mixed. The wheel, or box, shall be kept securely locked and remain constantly under the control of the board.

**495.020. Drawing of names—judge to select twelve jurors.**—1. Whenever the judge having jurisdiction of felony cases shall deem it advisable to call a grand jury, the clerk of the jury commission on an order from said judge in the presence of one or more of the circuit judges shall draw from said grand jury wheel or box not less than twenty-four names, but this number may be increased by the judge calling the grand jury as special circumstances may require.

2. From the names thus drawn, the judge of the court having jurisdiction of felony cases shall select twelve grand jurors who shall serve for the current term of said court unless excused by the court, and the names of such persons that



have been drawn, but not selected to serve by said judge, shall be returned to the grand jury wheel by the clerk of the jury commission in the presence of one or more of said circuit judges immediately after the close of the term for which they were drawn.

**495.040. Juries, how selected.**—In all counties of the first class having a population of less than two hundred thousand inhabitants, and in all counties of the second class, petit jurors for the circuit court having jurisdiction in such counties shall be selected as provided in sections 495.040 to 495.190.

**495.050. Jury commission board, duties—clerk.**—1. In each such county, the circuit judges, or in lieu of a circuit judge the presiding judge may assign an associate circuit judge to act for a circuit judge, and the clerk of the circuit court constitute a jury commission board for the county. Where the board consists of more than two members, a majority constitutes a quorum for the transaction of business. The time, place and manner of meetings of the board and the rules for performing its duties shall be fixed by the board.

2. The circuit clerk as a member of the jury commission board shall perform the duties required by law of members of the board.

3. The circuit clerk, or, at the option of the board, one of the deputies of the circuit clerk selected by the board, shall be the clerk of the board. His duties shall be to assist the board in the performance of the clerical part of their work, and in addition to the services that are required of him by the board, or any member thereof, with respect to the things to be done by the jury commission board, as provided by law. All other clerks and assistants, if any, shall be provided by the county court.

**495.080. Panel of jurors when more than one division of court.**—Where the circuit court is composed of more than one division, but one panel of jurors shall be drawn for all of said divisions, the number of jurors on such panel to be determined by a majority of the judge members of the jury commission board for the county. Said panel shall be drawn and summoned as provided in section 495.080, and all jurors so summoned shall appear before such division as shall have been designated by the judges, which said court shall hear and determine all excuses of said jurors and those not excused shall be retained as the panel for all divisions.

**495.020. Board of jury commissioners—organization.**—The circuit judges, or in lieu of a circuit judge the presiding judge may assign an associate circuit judge to act for a circuit judge, shall constitute a board of jury supervisors for the county, a majority of whom shall constitute a quorum for the transaction of business. The circuit clerk of the county shall be ex officio clerk of the board of jury supervisors, and his duties shall be to assist the board in the performance of the clerical part of their work and to perform the other duties and services that are required of him by the board, with respect to the things to be done by the board of jury supervisors, as provided by law. Deputy clerks, when needed, shall be appointed by the clerk with the consent and approval of a majority of the members of the board. The deputies shall be paid a salary to be fixed by the clerk with the approval of the board. The time, place and manner of meetings of the board and the rules for performing its duties shall be fixed by the board.

**497.020. Board of jury supervisors—quorum.**—There is hereby created a board of jury supervisors. The circuit judges, or in lieu of a circuit judge the presiding judge may assign an associate circuit judge to act for a circuit judge, shall be

and constitute said board. A majority shall constitute a quorum for the transaction of business and the acts of a majority of those present at any meeting at which a quorum is present shall be the duly considered acts of the board.

**497.160. General panel for all divisions of circuit court—excuses—judge may allow jurors to leave general jury quarters—jury wheel.—1.** Where the circuit court is composed of more than one division except as herein provided, one general panel of jurors shall be drawn for all civil or criminal divisions, the number of names to be drawn for such general panel to be determined by the judge designated by a majority of the board. The panel shall be drawn and summoned as provided in sections 497.170 and 497.230, and all jurors so summoned shall appear before such judge of said circuit court, who shall hear and determine whether jurors shall be excused from service or excused to a day certain which shall not be for more than ninety days. Whenever any person summoned as a juror under this chapter shall be excused by the court from service to a later time certain, the court shall designate the time when he shall so serve, and the jury commissioner shall be notified thereof by the judge of the division of said court. The jury commissioners shall thereafter cause said juror's name to be included on a separate list for service on such later date. All persons desiring to be excused from serving as jurors shall present their application to the judge having charge of such jurors.

2. Those not excused shall be retained as the general panel for all divisions of the court and shall be placed in charge of the sheriff, in quarters to be provided by him in the courthouse, there to remain except when actually engaged in the trial of a cause, or thereafter excused by a judge of the court. A judge of the court may allow jurors to remain away from the general jury quarters, provided such jurors shall be promptly available for service at the trial of a cause. Any juror who is so allowed to remain away from the general jury quarters for one or more full days shall not be entitled to any compensation for jury service during such day or days.

3. The name of each juror so enrolled upon such general panel, having been typed or imprinted on a card of uniform size and kind, shall by said jury commissioner in the presence of a judge or sheriff of said court be placed in a small jury wheel which shall be in charge of said jury commissioner to await, under lock, assignment for jury service in the respective divisions.

**497.260. Special grand jury list.—1.** The circuit judges shall from time to time select the names of six hundred persons, known or believed by them to be in every way fitted for grand jury service, said selection to be repeated whenever deemed necessary by said judges of the circuit court, which names shall, by said judges, be erased from the petit jury lists in the said board of jury supervisors' office, or caused by them to be erased by said jury commissioner, but by them to be deposited in a special grand jury wheel, which, after being properly secured, shall be delivered to the care of the jury commissioner of the board of jury supervisors, who shall be responsible for the proper custody of the same, and which after the names are once placed therein, shall be opened and drawn only, by said jury commissioner, or one of his deputies, in the presence of two or more of said circuit judges, upon requisition of the judge of the criminal division of the circuit court for such number of grand jurors as may be required for any one term in said court.

2. The board of jury supervisors shall have the power, from time to time, whenever it shall appear to their satisfaction that a juror selected for grand jury service has died, moved from the jurisdiction of the court, or become other-

wise disqualified to cause the name of each and every such person to be removed from the said special grand jury wheel. The circuit judges in general terms shall be empowered to fill any vacancy in the grand jury list, and cause the names of the persons so selected as grand jurors to be deposited in said special grand jury wheel.

**497.270. Selection of grand jurors.**—The number of names of grand jurors to be thus drawn from said special grand jury wheel shall not be less than twenty-four nor more than thirty-six for each of the six month sessions of the grand jury. If any of the persons whose names are drawn are unable to serve for any reason, the judge of the court may require that additional names be drawn but the total number of names from which the grand jury is selected shall not exceed thirty-six. From the names thus drawn for a six month session, the judge of the criminal division of the circuit court shall select twelve grand jurors who shall serve continuously throughout said session and until a new grand jury is summoned and sworn. In addition to the twelve grand jurors selected for each session, the judge shall also select for each such session alternate grand jurors who shall serve only if ordered by the judge to do so because of the death, disability or inability to serve of one or more regularly selected grand jurors. The names of such persons that have been drawn, but not selected to serve by said judge, shall be returned to the special grand jury wheel by the jury commissioner of the board of jury supervisors, in the presence of one or more of said circuit judges immediately after the session for which they were drawn.

**498.010. Board of jury supervisors—members.**—A board of jury supervisors is created in each city of this state of over five hundred thousand inhabitants to consist of the circuit judges, or in lieu of a circuit judge the presiding judge may assign an associate circuit judge to act for a circuit judge, and the clerk of the circuit court of the city. The presiding judge shall be the chairman of the board.

**498.100. Deputies—compensation, recommendation, approval.**—1. Each of the deputies who is regularly employed throughout the year shall receive for his services a salary not to exceed eight thousand seven hundred dollars per annum, except that the chief deputy shall receive a salary of not to exceed eleven thousand dollars per annum; and each deputy employed for temporary purposes shall receive for his services a salary of twenty dollars for each day he is actually employed in performing his duties as such. The salary shall be provided for and paid monthly or more often in the manner provided for the payment of the salary of the jury commissioner.

2. The proper officer shall not audit or certify any claim for salary in favor of any deputy except upon certification of the jury commissioner that the services for which the claim is made were in fact rendered by the deputy pursuant to the order of the jury commissioner and were necessary for the discharge of his duties.

3. The salaries authorized by this section are subject to the approval of the board of estimate and apportionment, upon recommendation of the circuit and associate circuit judges meeting en banc.

**498.290. Selection of names for grand jury wheel.**—1. The circuit judges in general term shall select the names of six hundred persons, known or believed by them to be in every way fitted for grand jury service, said selection to be repeated whenever deemed necessary by said judges of the circuit court,

which names shall, by said judges, be erased from the petit jury lists in the said board of jury supervisors' office, or caused by them to be erased by said jury commissioner, but by them to be deposited in a special grand jury wheel, which, after being properly secured, shall be delivered to the care of the jury commissioner of the board of jury supervisors, who shall be responsible for the proper custody of the same, and which after the names are once placed therein, shall be opened and drawn only, by said jury commissioner, or one of his deputies, in the presence of two or more of said circuit judges, upon the requisition of the judge of the criminal division of the circuit court for such number of grand jurors as may be required for any one term in said court.

2. The board of jury supervisors shall have the power, from time to time, whenever, it shall appear to their satisfaction that a juror selected for grand jury service has died, moved from the jurisdiction of the court, or because otherwise disqualified, to cause the name of each and every such person to be removed from said special grand jury wheel. The circuit judges in general term shall be empowered to fill any vacancies in the grand jury list, and cause the names of the persons so selected as grand jurors to be deposited in said special grand jury wheel.

**506.010. Citation of code—to govern certain proceedings.**—This code shall be known and cited as "The Civil Code of Missouri" and shall govern the procedure in the supreme court, court of appeals, and divisions of the circuit court presided over by circuit judges in all suits and proceedings of a civil nature whether cognizable as cases at law or in equity, unless otherwise provided by law. It shall be construed to secure the just, speedy, and inexpensive determination of every action. In divisions presided over by an associate circuit judge, the provisions of the Code shall apply only in those cases or classes of cases to which an associate circuit judge is specially assigned or transferred to hear and determine upon a record and in other cases only to the extent, if any, that provisions of the Code are otherwise specifically made applicable. Such Code shall not apply, however, to the practice and procedure before a circuit or associate circuit judge in a probate division of the circuit court except to the extent that such provisions are otherwise specifically made applicable.

**508.070. Suits against motor carrier, where brought.**—1. Suit may be brought against any motor carrier which is subject to regulation under chapter 390, RSMo, in any county where the cause of action may arise, in any town or county where the motor carrier operates, or judicial circuit where the cause of action accrued, or where the defendant maintains an office or agent, and service may be had upon the motor carrier whether an individual person, firm, company, association, or corporation, by serving process upon the secretary of the public service commission.

2. When a summons and petition is served upon the secretary of the public service commission, naming any motor carrier, either a resident or nonresident of this state, as a defendant in any action, the secretary shall immediately mail the summons and petition by registered United States mail to the motor carrier at the business address of the motor carrier as it appears upon the records of the commission. The secretary shall request from the postmaster a return receipt from the motor carrier to whom the registered letter enclosing copy of summons and petition is mailed. The secretary shall inform the clerk of the court out of which the summons was issued that the summons and petition were mailed to the motor carrier, as herein described, and the secretary shall forward to the clerk the return receipt showing delivery of the registered letter.

3. Each motor carrier not a resident of this state and not maintaining an office or agent in this state shall, in writing, designate the secretary of the public service commission as its authorized agent upon whom legal service may be had in all actions arising in this state from any operation of the motor vehicle under authority of any certificate or permit, and service shall be had upon the nonresident motor carrier as herein provided.

4. There shall be kept in the office of the secretary of the public service commission a permanent record showing all process served, the name of the plaintiff and defendant, the court from which the summons issued, the name and title of the officer serving the same, the day and the hour of service, the day and date on which petition and summons were forwarded to the defendant or defendants by registered letter, the date on which return receipt is received by the secretary of the commission, and the date on which the return receipt was forwarded to the clerk of the court out of which the summons was issued.

**508.300. Change of venue from other counties.**—All causes in which a change of venue shall be awarded by the circuit court of any other county to the county of Cape Girardeau, the same may be certified and transferred to the circuit court of Cape Girardeau county at Jackson, or to the circuit court of Cape Girardeau county at Cape Girardeau, as may be directed by the court granting the change of venue, or by consent of parties, and whichever shall receive the said cause shall have jurisdiction to hear and determine the same.

**508.310. Further causes for change of venue.**—Changes of venue may be awarded in civil cases pending in the circuit court of Cape Girardeau county at Cape Girardeau for the following causes:

(1) That the inhabitants of the city of Cape Girardeau are prejudiced against the applicant;

(2) That the opposite party has an undue influence over the inhabitants of said city; provided, that in such cases a change of venue shall be awarded to the circuit court of Cape Girardeau county at Jackson.

**508.320. Change of venue from district No. 2 of Marion County Circuit Court.**—1. Any case which may be pending in district number 2 of the circuit court of Marion county, Missouri, may be removed by change of venue for the following causes:

(1) That the inhabitants of Mason and Miller townships, Marion county, Missouri, are prejudiced against the applicant;

(2) That the opposite party has an undue influence over the inhabitants of said townships.

2. The change of venue may be awarded to any circuit court, including district number 1 of the circuit court of Marion county, Missouri, in the same manner that changes are taken from other circuit courts, and the court to which such cause may be removed shall have power and jurisdiction to dispose of the same as in causes taken by change of venue from circuit courts.

**508.330. Change of venue to district No. 2 of Marion County Circuit Court.**—Except as otherwise specially provided by law, changes of venue in either civil or criminal cases may be awarded by any circuit court, including district number 1 of the circuit court of Marion county, Missouri to district number 2 of the circuit court of Marion county, Missouri. Such changes of venue awarded by district number 1 of the circuit court of Marion county, Missouri, may be awarded for the following causes:

(1) That the inhabitants of all townships outside of Mason and Miller townships in Marion county, Missouri, are prejudiced against the applicant;

(2) That the opposite party has an undue influence over the inhabitants of Marion county, Missouri, outside of the townships of Mason and Miller. When such change of venue is allowed from said district number 1 of circuit court of Marion county, Missouri, the cause shall be certified and transferred as provided by law for changes of venue from other circuit courts, and the court to which said cause is so transferred including district number 2 of the circuit court of Marion county, Missouri, shall have power and jurisdiction to dispose of the same as is provided by law in other cases of change of venue.

**508.340. Change of venue from Marion County when people are prejudiced.**—Notwithstanding the provisions of sections 508.320 and 508.330, if, in any civil or criminal case pending in districts 1 or 2 of the circuit court of Marion county, the application for change of venue alleges that the inhabitants of Marion county are prejudiced against the applicant, or that the opposite party has an undue influence over the inhabitants of Marion county, then such change of venue may be awarded to any circuit court, outside of Marion county, in the same, adjoining or next adjoining circuit where the causes complained of do not exist, and the court to which said cause is so transferred shall have power and jurisdiction to dispose of the same as is provided by law in other cases of change of venue.

**511.440. Transcript of judgment a lien in another county, when.**—Judgments and decrees obtained in the supreme court or any district of the court of appeals or any United States court or any court of record in this state shall, upon the filing of a transcript thereof in the office of the clerk of the circuit court of any other county, be a lien upon the real estate of the person against whom such judgment or decree is rendered, situate in the county in which such transcript is filed.

**511.530. Lien of judgment rendered by district No. 2 of Marion County Circuit Court.**—The lien of the judgment of district number 2 of the circuit court of Marion county shall be the same as the lien of the judgments of district number 1 of the circuit court for the county of Marion, and shall be governed by the same laws.

**511.550. Death of a defendant, survival of judgment.**—When there are several defendants in a judgment or decree, and some of them die before the same is satisfied or carried into effect, the judgment or decree, if concerning real estate, shall survive against his or their heirs or devisees, and execution may issue against any surviving defendant or defendants, or such judgment or decree may be revived against the heirs or devisees of any or all such deceased defendants, by scire facias, and execution may be sued out against the surviving defendant or defendants, and the heirs or devisees of such deceased defendants, or such of them as are made parties jointly; but if such judgment or decree concern the personalty, execution shall be sued out only against the surviving defendant or defendants; and if the lien of the judgment or decree has not expired, it shall be exhibited in the probate division of the circuit court for allowance, as other demands against the deceased defendant or defendant's estate, but if the lien has expired, the judgment or decree shall be revived against the executors or administrators of the deceased defendant or defendants, and then shall be proceeded with as herein directed.

**512.180. Appeals from cases tried before associate circuit judges.—1.** Any person aggrieved by a judgment in a case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo.

2. In any case tried with a jury before an associate circuit judge or on assignment under such procedures applicable before circuit judges a record shall be kept and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

**512.190. Perfecting right of new trial, how.—1.** The right of a new trial provided in subsection 1 of section 512.180 shall be perfected by filing an application for trial de novo with the clerk serving the associate circuit judge within ten days after the judgment is rendered. A copy of same shall be mailed by the clerk to the opposing party or his attorney of record or served upon him as provided by law for the service of notices within fifteen days after the judgment was rendered, but no application for a trial de novo shall stay execution unless and until the applicant, or some person for him, together with one or more solvent sureties to be approved by the associate circuit judge, within the time prescribed in the first sentence of this section, enter into a recognizance before the associate circuit judge to the adverse party, in a sum sufficient to secure the payment of such judgment and costs, conditioned that the applicant will prosecute his application for trial de novo with due diligence to a decision, and that if on such trial de novo judgment be given against him, he will pay such judgment, and that, if his application for trial de novo be dismissed, he will pay the judgment rendered by the associate circuit judge, together with the costs.

2. Appeals to the court of appeals or to the supreme court shall be governed by the same rules applicable to appeals from judgments rendered by circuit judges.

**512.200. Form of recognizance.—**Such recognizance must be signed by the parties entering into the same, and be approved by the associate circuit judge, and may be in the following form:

We the undersigned, ..... and ....., acknowledge ourselves indebted to ..... in the sum of ..... dollars, to be void upon this condition. Whereas, ..... has made application for a trial de novo from a judgment of ....., an associate circuit judge, in an action between ....., plaintiff, and ....., defendant; now, if on such trial de novo judgment be given against the applicant, and he shall satisfy such judgment, or if his application shall be dismissed, and he shall pay the judgment of the associate circuit judge, together with the cost of the appeal, this recognizance shall be void.

A B  
C D

Approved ....., day of ..... 19.....  
..... Associate Circuit Judge

**512.210. Application for trial de novo—release of property taken under execution.—**If an application for trial de novo is timely filed and a bond be given

and approved and, in the meantime, execution shall have been issued, the associate circuit judge shall give the applicant a certificate that an application for trial de novo in the cause has been allowed and bond given, and on presentation of such certificate to the sheriff, he shall forthwith release the property of the defendant that may have been taken in execution.

**512.250. Associate circuit judge or clerk to file transcript with clerk for trial de novo.**—When an application for a trial de novo is timely filed, the associate circuit judge or the clerk who has custody of the case papers shall forthwith transmit the case papers in the cause or a transcript thereof to the clerk receiving cases originally filed for hearing and determination before a circuit judge, and the cause shall thereupon be assigned for a trial de novo before a circuit or associate circuit judge in accordance with assignment procedures prescribed by local circuit court rule or as directed by the presiding judge of the circuit.

**512.270. Judge assigned to hear case anew.**—The judge assigned to hear the cause shall proceed to hear, try and determine the same anew with a record of the proceedings being made, without regarding any error, defect or other imperfection on the trial, judgment or other proceedings of the associate circuit judge in relation to the cause.

**512.280. Same cause to be heard—necessary parties may be added.**—The same cause of action, and no other, that was tried before the associate circuit judge, shall be tried before the judge upon the trial de novo; provided, that new parties, plaintiff or defendant, necessary to a complete determination of the cause of action, may be added in the trial de novo.

**512.290. No setoff or counterclaim to be pleaded in trial de novo, when.**—In cases wherein the summons shall be personally served on the defendant, no set-off nor counterclaim shall be pleaded in the trial de novo proceedings that was not pleaded before the associate circuit judge.

**512.300. Statement of account amended, when.**—In all cases of an application for trial de novo, the bill of items of the account sued on or filed as a counterclaim or set-off, or the statement of the plaintiff's cause of action, or of defendant's counterclaim or set-off, or other ground of defense filed before the associate circuit judge, may be amended upon a trial de novo to supply any deficiency or omission therein, when by such amendment substantial justice will be promoted; but no new item or cause of action not embraced or intended to be included in the original account or statement shall be added by such amendment. Such amendment shall be allowed upon such terms as to costs as the court may deem just and proper.

**512.310. Procedure for trial de novo.**—The trial de novo shall be governed by the practice in trials before circuit judges, except that by agreement of parties the case may be tried by a jury of not less than six persons.

**512.320. Judgment against sureties, when.**—In all cases of an application for trial de novo from an associate circuit judge, if on a trial anew, the judgment be against the applicant, such judgment shall be rendered against him or against him and his sureties in the recognizance for the application for trial de novo, if such recognizance be given.

**513.065. Finding as to preferred amount recited in execution and judgment.**—The court or jury trying such action shall, if they find for the plaintiff, also



find how much he or she is entitled to recover for services, such as are specified in section 513.470, for which suit was commenced, within the time limited in section 513.060, which facts shall be set forth in the judgment rendered, and recited in the execution issued thereon.

**513.145. Sale of personal property—notice of time and place—exception.**—No goods and chattels or other personal effects, seized and taken by virtue of any execution, attachment or replevin, shall be sold, until the officer having charge of the writ shall have given ten days' notice of the time and place of sale, and of property to be sold, by at least three advertisements, put up in public places in the township in which the sale is to be made; provided, however, that when any property shall have been actually seized by virtue of either of said writs of execution, attachment or replevin, which is in a perishable condition, or is likely to perish or depreciate in value to any considerable extent before such ten days' notice would expire, then the court may order such property sold by the officer in charge of such writ and property, without notice, for cash, and to the best interests of the parties to such suit, and account for the proceeds to the court before whom such suit is pending.

**513.205. Sheriff in selling real estate shall proceed how—notice to be given—sales, where made.**—When real estate shall be taken in execution by an officer, it shall be his duty to expose the same to sale at the courthouse door, having previously given twenty days' notice of the time and place of sale, and what real estate is to be sold and where situated, by advertisement in some newspaper printed in the county which may be designated by the plaintiff or his attorney of record, if there be one regularly published, weekly or daily, and if not, by at least six printed or written handbills, signed by such sheriff, and put up in public places in different parts of the county; and the printer's fee for such advertisement shall be taxed and paid as other costs; provided, that in all cities in this state now or hereafter containing one hundred thousand inhabitants or more, such sales shall be on the floor of the real estate exchange or at the courthouse door, as may be announced in said advertisement.

**513.240. If purchaser refuses to pay, property to be resold—damages, how recovered.**—If the purchaser refuse to pay the amount bid for property struck off to him, the officer making the sale may again resell such property to the highest bidder, or he may resell it on a subsequent day, as though no previous sale had been made, and if any loss shall be occasioned thereby, the officer shall recover the amount of such loss, with costs, by motion, before any court.

**513.245. Court shall proceed in summary manner.**—Such court shall proceed in a summary manner and give judgment and award execution therefor forthwith; and the same proceedings shall be had against any subsequent purchaser who shall refuse to pay, and the officer may, in his discretion, forever thereafter refuse the bid of any person so refusing.

**513.270. Execution issued to the sheriff of another county to remain in force, how long.**—When an execution is issued from a court of record in one county and sent to the sheriff of any other county in this state, and the same is levied on real estate, and from any cause the circuit court of the last mentioned county shall not be held before the return day of the execution, the sheriff shall retain said execution, and the levy made by virtue thereof shall remain in full force until there shall be a session of the circuit court in said last mentioned county, at which said real estate may be sold.

**513.305. Executions issued from circuit court of Marion County—either division—effect.**—All executions issued in pursuance of judgments rendered by either district number 1 or district number 2 of the circuit court of Marion county may be levied in any part of Marion county, or elsewhere.

**513.310. Sale of real estate on execution from district No. 2 of Marion County Circuit Court and Cape Girardeau Circuit Court at Cape Girardeau.**—  
1. All sales of real estate, situated in the county of Marion taken in execution by any officer under a judgment by district number 2 of the circuit court of Marion county, or of any other court of record within this state, when the real estate is situated within the townships of Mason and Miller, shall be made before the door of the courthouse in the city of Hannibal.

2. All sales of real estate, situated in Cape Girardeau County, taken in execution by process issued from the circuit court of Cape Girardeau county at Cape Girardeau, shall be exposed to sale before the door of the courthouse in the city of Cape Girardeau.

**513.355. Judge shall call execution docket.**—It shall be the duty of the circuit court to periodically call over the execution docket, in order to see that proper returns have been made and entered of all process returnable to that term, and especially that due diligence has been used to execute all process upon the part of the state; and the court, in such cases, may enforce obedience to law by attachment.

**513.375. Any person owing defendant may pay officer, how.**—After the issuing of an execution, any person indebted to the defendant therein may pay to the sheriff or other officer charged with the collection thereof, the amount of the debt owing by such person to such defendant, or so much thereof as shall be necessary to satisfy the execution and costs, and the officer's receipts shall be a sufficient discharge for the amount paid.

**513.380. Examination of judgment debtor, when, procedure.**—Whenever an execution against the property of any judgment debtor, individual or corporate, issued from any court in this state, shall be returned unsatisfied, in whole or in part, by any sheriff or other proper officer, the judgment creditor in such execution, his executor, administrator or assign, may, at any time within five years after such return so made, be entitled to an order by the court rendering such judgment, requiring the judgment debtor or, in the case of a corporate judgment debtor, its chief officer to appear before such court at a time and place in said order to be named, to undergo an examination under oath touching his ability and means to satisfy said judgment, and in case of neglect or refusal on the part of such judgment debtor or, in the case of a corporate debtor, its chief officer to obey such order, such court is hereby authorized to issue a writ of attachment against said debtor, as now provided by law, and to punish him or, in the case of a corporate debtor, its chief officer for contempt.

**513.385. Showing of reasonable ground for order required.**—The order above provided for shall issue only in case it be made to appear to the court or judge, by affidavit or other evidence satisfactory to the court or judge, that there is reasonable ground to believe that such judgment debtor has property subject to execution, or has conveyed or attempted to convey his property, with a design to defraud, hinder or delay his creditors, such affidavit to be made to the best of the knowledge and belief of the affiant.

**514.030. Appellee not required to give security, when.**—On an application

for a trial de novo from a judgment of an associate circuit judge, if the defendant be the applicant the plaintiff shall not be required to give security for cost.

**514.140. Trial de novo—responsibility for court costs.**—When an application for a trial de novo shall be made from a judgment of an associate circuit judge against the applicant the costs shall be adjudged in the following cases, as follows:

(1) If the judgment be affirmed, or the other party, in a trial de novo, shall recover as much or more than the amount of the judgment below, the applicant shall pay costs of both proceedings;

(2) If the judgment be reversed, and the judgment on the trial de novo be in favor of the applicant, the other party shall pay costs of both proceedings;

(3) If the applicant shall, at any time before his application for a trial de novo is perfected, tender and offer to pay to the other party any portion of the judgment, which shall not be accepted in satisfaction, and the other party shall not, upon the trial de novo, recover more than the amount so tendered and refused, he shall pay costs of the trial de novo proceedings;

(4) If no such tender shall have been made, and the other party recover any sum upon the trial de novo; or if, after such tender and refusal, the other party shall recover more than the amount tendered, the applicant shall pay costs of both proceedings.

**514.150. Costs—adjudication in favor of applicant for trial de novo.**—If such application for a trial de novo shall be from a judgment in favor of the applicant, costs shall be adjudged in the following cases, as follows:

(1) If the judgment shall be affirmed, or, upon a trial de novo, the applicant shall not recover more than the original judgment, he shall pay the costs of the trial de novo proceedings;

(2) If on the trial de novo the applicant recovers nothing, or the judgment be against him, he shall pay the costs of both proceedings;

(3) If the applicant recovers more than the original judgment, he shall recover costs of both proceedings.

**514.320. Penalty for failing to itemize fee bills or writs.**—Every clerk of any court of record issuing a fee bill or writ of fieri facias in violation of the provisions of section 514.310, and any officer undertaking to collect money thereon without having himself complied with the provisions thereof concerning himself, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his office.

**514.330. Fees of officers, jurors and witnesses—collection.**—The circuit clerks and division clerks who are responsible by law or court rule for collecting fees shall strictly examine the accounts of all fees accruing during the progress of any civil suit pending in divisions for which they are responsible for collecting fees, and shall correct the same if wrong in any manner, and shall thereupon enter the amount thereof upon their fee books, and the said clerks shall promptly, if required by the party entitled to fees, certify a fee bill of such services and deliver the same to the sheriff or other officer of the proper county charged by law with the service of executions, who shall proceed forthwith to collect the same; and if the person or persons and their sureties for costs properly chargeable with such fees shall neglect or refuse to pay the amount thereof, and costs for issuing and serving the same, within thirty days after demand of said sheriff or other officer aforesaid, the same shall be levied of the goods and chattels, moneys and effects of such persons or their sureties, in the same

manner and with like effect as on an execution; and if any such officer shall neglect or refuse to levy and collect such fees, or to pay over the money collected thereon to the person entitled thereto, within three months after such fee bill shall have been delivered to him, the court wherein such fees accrued shall, upon ten days' previous notice given to such officer, on motion, enter up judgment against him and his sureties for the amount of the fee bill, interest and costs thereon.

**514.340. Judge's fee in St. Louis—costs of clerk regulated—termination date.**

—1. The applicant for every trial de novo in a civil case, and the plaintiff in every civil action instituted in the circuit court in the city of St. Louis, except in cases within the probate jurisdiction, cases filed under chapter 517 procedures, and cases filed under small claims procedures, shall, at the time of instituting his action or filing the application for trial de novo, pay to the clerk of said court the sum of one dollar, to be known as the judge's fee, and no writ shall be issued in any such action, or application for trial de novo filed, unless such fee be so paid. On the first Monday of every month the clerk of said court shall pay into the treasury of the city of St. Louis, for the use of said city, all judge's fees received by him during the preceding month in pursuance of this section, and the clerk of said court shall not demand or receive at the institution of any action, any fee for or on account of issuing the summons, attachment or other original writ by which such action may be instituted, or of making any copy to go out with such writ, but the fees therefor shall be taxed and collected as other costs.

2. This section shall terminate June 30, 1981.

**514.350. Docket fee in certain circuits (St. Louis County)—termination date.**

—1. In all counties in this state having, or which may hereafter have, a population of eighty thousand inhabitants, or more, and adjoining a city which now has, or may hereafter have, a population of more than three hundred thousand inhabitants, and which now constitute, or may hereafter constitute, a judicial circuit, composed of one or more counties having two judges of the circuit court, the circuit clerk shall tax and collect a docket fee of three dollars in each civil case filed in said court, except in cases within the probate jurisdiction, cases filed under chapter 517 procedures, or cases filed under small claims procedures to be retained by said clerk as other fees and which fee shall be collected at the time of filing such case, and shall be paid by the party instituting such suit, or filing a transcript on certiorari.

2. The amount of such docket fee shall be taxed in favor of the party paying the same as other costs in said case; provided, that nothing in this section shall be construed to require the payment of said docket fee in any criminal proceeding, or in prosecutions for a violation of any municipal ordinance or in cases on change of venue from other counties; and provided further, that in suits for delinquent taxes, the prepayment of said docket fee shall not be required but the same shall be taxed and collected as other costs in such cases; provided, that nothing in this section shall prevent any person from filing suit as a poor person under the provisions of section 514.040.

3. This section shall terminate June 30, 1981.

**514.440. Deposit required in civil actions—exemptions (class one counties).**

—The circuit judge or judges of the circuit court in any county of class one in this state, by rule of court, may require the attorney or attorneys for any party filing suit in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a sum not to exceed five dollars in addition to all

other deposits now or hereafter required by law or court rule, and no summons shall issue until the deposit has been made. Sections 514.440 to 514.460 shall not apply to actions sent to the county on change of venue or cases within the probate jurisdiction, cases filed under chapter 517 procedures, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city.

**514.450. Fund paid to treasurer designated by circuit judge—use of fund for law library.**—On the first day of each month said circuit clerk shall pay the entire fund created by said deposits during the preceding month to the circuit judge or judges of the circuit court of the county in which such deposits were made, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the circuit judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the circuit judge or judges of the circuit court of any such county; provided, that the judge or judges of the circuit of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

**514.470. Law library fee, judge may require, exceptions (second, third and fourth class counties).**—The circuit judge or judges of the circuit court in any county of the second, third or fourth class in this state may by rule of court require the attorney or attorneys for any party filing suit in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a sum not to exceed five dollars in the circuit court in any county of the third and fourth class, not to exceed ten dollars in any county of the second class, except a county of the second class which is required by law to hold circuit court in more than one city, in addition to all other deposits now or hereafter required by law or court rule, and no summons shall issue until such deposit has been made. This law does not apply to actions sent to the county on change of venue or cases within the probate jurisdiction, cases filed under chapter 517 procedures, cases filed under small claims procedures, applications for trial de novo, or to suits, civil or criminal, filed by the county or state or any city.

**514.475. Law library fee (certain second class counties).**—In all counties of the second class which are required by law to hold circuit court in two cities and a law library is maintained in each of said cities, the circuit judges of the circuit court may by rule of court require the attorney or attorneys for any party filing suit in the circuit court at the time of filing the suit to deposit with the clerk of the circuit court a sum not to exceed ten dollars, in addition to all other deposits now or hereafter required by law or court rule and no summons shall issue until such deposit has been made. This law does not apply to actions sent to the county on a change of venue or cases within the probate jurisdiction, cases filed under chapter 517 procedures, cases filed under small claims procedures, applications for trial de novo, or to suits civil or criminal filed by the county or state or any city.

**514.480. Payment of fees monthly to circuit judges—maintenance of library.**—On the first day of each month each of said circuit clerks shall pay the entire fund created by said deposits during the preceding month to the circuit judge or judges of the circuit court of the county in which such deposits were made,

or to such person as the circuit judge or judges of the circuit court of said county may designate by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the circuit judge or judges of the circuit court of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county or in an adjoining county, or such other law library in any such county, or in an adjoining county, as may be designated by the circuit judge or judges of the circuit court of any such county, provided that the judge or judges of the circuit court of any such county, and the officers of all courts of record of any such county and all attorneys licensed to practice law in any such county shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

**517.010. Chapter provisions to apply to associate circuit judges—exceptions—special assignment.—1.** The provisions of chapter 517 shall apply to the practice and procedure in civil actions before associate circuit judges in hearing and determining cases within those classes of cases enumerated in subdivisions (1), (2) and (8) of subsection 2 of section 478.225 and which they are authorized to hear without transfer or assignment in lieu of other statutes and rules of practice and procedure, but the provisions of chapter 517 shall not apply to the practice and procedure before associate circuit judges in those classes of cases enumerated in subdivisions (3) through (7) of subsection 2 of section 478.225 or to cases within the probate jurisdiction.

2. Even though the provisions of chapter 517 would apply to the hearing of a case by an associate circuit judge because of subsection 1 of this section, the presiding judge of the circuit may nevertheless in an order of special assignment specifically direct that the practice and procedure applicable before circuit judges shall apply. Such a special assignment order shall only be made if the facilities are available to the associate circuit judge to hear the case on a record so that there would be no right of trial de novo and any appeal could be taken on the record.

3. When an associate circuit judge is transferred or assigned to hear any case or class of cases not included within those enumerated in subsection 1 of this section to which the practice and procedure specified in this chapter 517 would apply, the provisions of chapter 517 shall not apply to the practice and procedure before the associate circuit judge in the hearing and determination of such case.

4. By agreement of the parties filed of record in the case papers, the practice and procedure provisions of chapter 517 may be applied in other civil cases before either a circuit or associate circuit judge; provided, however, that if the case is tried before a circuit judge there shall be no trial de novo and appeals shall be on the record or on an agreed abbreviated record.

**517.020. Statutes and Supreme Court rules concerning subject matters in civil actions to apply, when—practice and procedure governed by usage and practice before circuit judges, when.—1.** Statutes and supreme court rules now or hereafter in effect with respect to the following subject matters in civil actions filed before or heard by circuit judges shall also apply to the maximum extent practicable with respect to the cases or classes of cases to which this chapter 517 is applicable, except where provided otherwise in this chapter or in other statutes or supreme court rules which become effective after January 1, 1978:

- (1) Venue of actions;

(2) Method of instituting suits, issuance of process by any person including indigents or infants, service of process, and return of service;

(3) Joinder of claims, defenses, counterclaims, and crossclaims;

(4) Parties, including provisions applicable when suit is brought by or against persons under a disability;

(5) Discovery, except as limited in subsection 2 of this section;

(6) Change of venue;

(7) Disqualification of judges;

(8) Consolidation of cases;

(9) Survival of actions;

(10) Procedures at trial, including examination of witnesses, submission of evidence and argument, and the order and conduct of trial;

(11) Juries, including summoning and selection of juries and jury instructions except that six-man juries may be used and the number of veniremen reduced accordingly;

(12) The effect of judgments, judgment liens, revival of judgments, the setting aside of judgments, and the collection and satisfaction of judgments; and

(13) Replevin, attachments and garnishments.

2. Notwithstanding the provisions of subsection 1 of this section, the following statutes or rules relating to practice before circuit judges shall not apply with respect to the cases or classes of cases to which this chapter 517 is applicable or shall be limited as herein provided:

(1) The extant statutes and supreme court rules relating to pleadings contained in chapter 509 and rule 55 shall not apply.

(2) The extant statutes and supreme court rules relating to discovery shall apply, except that if it appears to the associate circuit judge either upon motion of the parties or on his own motion that the discovery in the case is or is reasonably anticipated to be of such magnitude that the cause should be determined under the practice and procedure applicable before circuit judges, he shall certify the cause for assignment as provided in section 517.520.

(3) In the event of action by a party to invoke class action or third-party practice procedures, the associate circuit judge shall certify the case for assignment as provided in section 517.520.

(4) The extant statutes and supreme court rules authorizing the appointment of masters and receivers by a circuit judge shall not apply, and in any case where a party seeks the appointment of a master or receiver and the judge determines that one should be appointed, he shall thereupon certify the case for assignment as provided in section 517.520.

(5) The extant statutes and supreme court rules applicable to practice and procedure before a circuit judge with respect to trial settings, default judgments, costs, after-trial motions, appeals, and extraordinary remedies shall not apply, except as otherwise made applicable.

3. With respect to the hearing and determination of cases to which this chapter 517 is applicable, the practice and procedure shall, when no other provision is made by law, be governed by the usage and practice before circuit judges, so far as the same may be applicable.

4. The provisions of this section shall not expand the types of cases which associate circuit judges are authorized to hear and determine.

**517.040. Consolidation of cases, when.**—If the judge determines that cases pending before him should be consolidated pursuant to applicable laws or rules and if the consolidation would result in an aggregate claim exceeding the jurisdictional amount that could be heard by the judge without special assign-

ment, then the judge shall proceed to enter an order of consolidation and shall certify the cause for assignment as provided in section 517.520. If it appears to the judge that a case which pends before him should be consolidated pursuant to applicable laws or rules with a case which pends in another division of the circuit court of the county or the city of St. Louis, then the judge shall note such probable consolidation and shall certify the case for assignment as provided in section 517.520 so that the matter of consolidation can be considered and determined and further proceedings had.

**517.050. Formal pleadings unnecessary—requirements.**—No formal pleadings upon the part of either plaintiff or defendant shall be required, but before any process shall issue in any such suit, the plaintiff shall file with the clerk the instrument sued on, or a verified copy thereof, or a statement of the account, or of facts constituting the claim upon which the suit is founded, and the defendant shall, before trial is commenced, file the instrument, or a verified copy thereof, account or statement of his set-off or counterclaim relied upon, and when such suit is founded upon any instrument of writing purporting to have been executed by the defendant, and the debt or damages claimed may be ascertained by such instrument, the same, or a verified copy thereof, shall be filed with the clerk, and no other statement or pleading shall be required. If the suit is founded on an account, a bill of items of the account shall be filed; in all other cases, a statement of facts constituting the claim, and the amount or sum demanded, shall be filed with the clerk; but none of such suits, where the amount involved is one hundred dollars or less, shall be dismissed or discontinued for want of any such statement or cause of action, or for any defect or insufficiency thereof, if the plaintiff shall file the instrument or account, or a sufficient statement, before the trial is commenced, or when required by the judge.

**517.060. Procedure when instrument is lost—execution of bond.**—If such instrument be alleged to be lost or destroyed, it shall be sufficient for the plaintiff to file in the court the affidavit of himself, or some other credible person, stating such loss or destruction, and setting forth the substance of such instrument. To entitle a party to recover, he, or some responsible person for him, shall execute a good and sufficient bond to the adverse party, in a penal sum of at least double the amount of such note or bill, with sureties to be approved by the court in which the trial shall be had, conditioned to indemnify the adverse party against all lawful claims by any other person on account of such note or bill, and against all costs and expenses by reason of such claims.

**517.080. Process to be summons—directed to sheriff—contents.**—In all cases not otherwise specially provided for, the process shall be a summons, and every summons shall be directed to the sheriff or other officer provided by law and shall command him to summon the defendant or defendants to appear before the court at a time and place named in the summons not less than ten nor more than thirty days from the date thereof, to answer the complaint of the plaintiff, stating also the nature of the suit and the sum demanded.

**517.090. Clerk to endorse summons—when suit dismissed.**—On each summons the clerk shall endorse the amount of the plaintiff's demand, with the costs that have accrued; and if the defendant shall pay the officer serving the summons the amount claimed and costs, the summons shall be returned as satisfied, and the suit thereupon be dismissed by the court. But the failure to



so endorse such summons shall in nowise affect the same or any service or proceeding in the case.

**517.230. Procedure when several defendants in a writ are not served at same time.**—1. When there are several defendants in a writ, and some of them are served with process in time, and others are not served, or not served in time, the plaintiff may direct the court either to discontinue as to all not served, and not served in due time, and proceed against those that are bound to appear or he may continue the suit until another day and take new process against those that are not served or not served in time.

2. If neither the plaintiff nor any person for him shall be present to direct, nor shall have directed, the course to be pursued, the court shall continue the cause, and issue new process for those not served when it is necessary.

**517.240. Setoff on demands—counterclaim not triable, when, procedure—assignment—when dismissed.**—1. A defendant may set-off any demand he has against the plaintiff if the set-off existed at the commencement of the action.

2. If, not later than twenty days after the return date of the summons, any defendant pleads any counterclaim or set-off which alleges a claim which would not be independently triable under the procedures set forth in chapter 517, then the judge shall certify the case for assignment as provided in section 517.520.

3. If any defendant pleads any counterclaim or set-off which alleges a claim which would not be independently triable under the procedures set forth in chapter 517 more than twenty days after the return date of the summons, then the counterclaim or set-off shall be dismissed without prejudice by the judge of his own motion, and shall not be refiled under chapter 517 procedures.

**517.250. Defendant to give notice to entitle him to set-off any demand.**—To entitle a defendant to set-off any demand he must give notice thereof in court, either verbal or written, before the jury is sworn or the trial submitted to the judge; and when the set-off or counterclaim is founded upon an instrument of writing executed by the plaintiff, or by his testator or intestate, or upon an account, he must at the time of giving such notice file with the court such instrument, or a verified copy thereof, or a bill of items of such account.

**517.260. Procedure when instrument is lost.**—If such instrument be alleged to be lost or destroyed, it shall be sufficient for the defendant to file with the court an affidavit similar to that required of a plaintiff upon instituting a suit under the procedures set forth in this chapter on a lost or destroyed instrument of writing.

**517.290. Failure of consideration as defense in action based on bond or note.**—In any action pending under the procedures set forth in this chapter the foundation of which is a bond or note, the obligor or maker of such bond or note may impeach its consideration, and show a partial or total failure thereof, and reduce or prevent the plaintiff's recovery accordingly; nor shall such defense be precluded by reason of the existence of any contract, verbal or otherwise, made with the obligee or payee, which would give a right of action in the obligor or maker, in the event of a partial or total failure of the consideration of the bond or note.

**517.310. Instrument of writing to be received as evidence at trial—exception.**—If any suit, set-off or counterclaim be founded upon any instrument of writing purporting to have been executed by the opposite party, and the same, or a verified copy thereof, shall have been filed with the court, according to

the preceding provisions of this chapter, such instrument shall be received in evidence on the trial, unless the party charged to have executed the same, before the jury is sworn or the trial submitted to the judge, shall deny the execution thereof, an oath, taken before some judge, or by an affidavit filed with the judge, and taken before any court or officer authorized to administer oaths.

**517.330. Actions involving real estate titles certified for assignment.**—If in any proceedings pending under the procedures specified in chapter 517, the title to real estate shall be put in issue by any pleading or if it appears to the satisfaction of the judge to be an issue on the trial of any cause, such judge shall certify the case for assignment as provided in section 517.520; or the plaintiff may, at his option, dismiss such suit; provided, that in no case shall the provisions of this section apply to actions for forcible entry and detainer or for unlawful detainer or to proceedings, to recover possession of property as otherwise provided by law in cases of actions between landlord and tenant, unless in the last mentioned case, the party filing such pleading shall file therewith a statement, in writing, setting forth in detail the material facts in relation to said real estate by which the title thereto is put in issue in such case and the same duly verified by the oath of the defendant or some credible person in his behalf.

**517.340. Plaintiff to prove possession in action for trespass.**—If such action be for a trespass upon lands or tenements, on the trial after assignment as provided in section 517.520 the plaintiff shall only be required to prove himself entitled to or in possession of the premises on which the trespass is alleged to have been committed, so far as the defense of want of title is concerned.

**517.370. Judge may amend.**—Any judge may, in open court, in furtherance of justice and on such terms as may be proper, amend, on motion of either party, any statement, account, set-off, counterclaim, summons, writ or other proceeding, and add new parties as coplaintiffs or codefendants, and correct a mistake in the name of the party.

**517.390. Effect of adjournment or failure to hold court on appointed day—continuance of case.**—1. No suit shall be deemed discontinued or abated by reason of the failure of the judge to hold court at the appointed day, nor by reason of any adjournment before the business pending in such court is disposed of; but the same shall be either continued and proceeded upon as if no such failure or adjournment had happened or it shall be continued generally.

2. Suits may be continued generally upon stipulation in writing of the parties at the discretion of the judge. Having been continued generally, a suit may be reinstated for trial upon a certain day upon the giving of ten days' notice in writing on behalf of any party to the action to all other parties to the action or their attorneys of record.

**517.460. Procedure of judge when duly served defendant fails to appear after adjournment.**—When a defendant who has been duly served with process, or when a defendant who has once appeared to the suit, the trial of which has been adjourned, shall neglect to appear according to the process or at the adjourned time, the judge shall proceed in the cause in the following manner:

(1) If the suit be founded upon an instrument of writing, which, or a verified copy of which, has been filed with the court at the commencement of the action, and purporting to have been executed by the other party, and the demand of the plaintiff is liquidated by such instrument, the judge shall, whether

the plaintiff appear or not, render judgment with costs against the defendant by default, for the amount which shall appear by such instrument to be due to the plaintiff, after allowing the proper discounts for all payments endorsed thereon;

(2) If the suit be not founded on an instrument of writing as is declared in the preceding clause of this section and the plaintiff appear in person or by his attorney, the judge shall proceed to hear his allegations and proofs and shall determine the cause as the very right thereof shall appear from the testimony, and if it appear from such testimony that the plaintiff is entitled to recover, judgment shall be rendered by default against the defendant for so much as the testimony shows the plaintiff is entitled to, together with costs; and if it does not appear that the plaintiff ought to recover, judgment shall be given for the defendant as upon a verdict against the plaintiff;

(3) If the plaintiff fail to appear, except where the suit is founded on an instrument of writing as declared in the first clause of this section, the judge may render judgment of nonsuit against the plaintiff, with costs.

**517.470. Plaintiff failing to appear—judgment of nonsuit.**—In all cases not otherwise specially provided for, if the plaintiff fail to appear in person or by attorney at the time appointed for the trial of the cause, the judge may render judgment of nonsuit against him, with costs.

**517.480. Setting aside judgment of nonsuit.**—1. Every judge shall have power, on the application of the party aggrieved or his attorney, and for good cause shown, to set aside the judgment of nonsuit and by default above directed, upon the payment of all costs then accrued.

2. Every such application shall be made within ten days, or twenty days if the party be a nonresident of the state, after the rendering of the judgment; and if in the meantime any execution has been issued, the judge may revoke the same in the manner hereafter provided for revoking an execution after an appeal has been allowed, and with the like effect.

3. The judge shall, in all cases, make an entry in his record of every such application, and of the day on which it was made together with his orders thereon.

**517.490. Notice of new trial.**—If any such judgment be set aside and a new trial granted, the judge shall fix a time for such a trial, giving notice in writing to the opposite party, stating the fact that such judgment has been set aside, and specifying therein the time and place fixed for the trial. The notice shall be served on the party or his attorney in the suit, ten days before the trial, and shall be executed and returned in like manner as a summons, and the same fees shall be allowed therefor.

**517.510. Application for venue or judge change to be filed, when—assignment of case.**—An application for change of judge or change of venue must be filed before the jury is sworn or trial commenced before the judge; provided, however, that if the cause is not tried on the return date but continued and if all parties are given fifteen days advance notice of a trial setting before the particular judge, then any application for change of judge or change of venue must be made not later than five days before the date set for trial. Upon an application for change of judge being made in proper form, the judge shall thereupon disqualify himself and certify the case for assignment as provided in section 517.520.

**517.520. Disqualification of judge, when—procedure for assignment of case.**—

1. If a judge is disqualified or disqualifies himself from serving in a particular case, he shall promptly notify the presiding judge of the circuit of such disqualification, and the presiding judge shall thereupon assign a qualified associate circuit judge who is readily available to hear the case or he may assign a circuit judge who is readily available to hear the case. If no qualified associate circuit judge within the circuit is readily available, the presiding judge of the circuit may request, and if no circuit judge or qualified associate circuit judge is readily available the presiding judge of the circuit shall request, the supreme court to transfer a judge to hear the case and the supreme court shall thereupon transfer a judge.

2. If a case is certified for assignment by an associate circuit judge because the case is, has become, or involves a counterclaim which is not triable under the procedures set forth in chapter 517, or if it is a case which is certified pursuant to subdivisions (2), (3) or (4) of subsection 2 of section 517.020, or if a jury trial is requested, the presiding judge of the circuit shall assign the case to a circuit judge if one is readily available, may assign the case to a qualified associate circuit judge who is readily available with the case to be heard on the record in accordance with procedures applicable before circuit judges with there being no right of trial de novo, and in other situations the presiding judge of the circuit shall request the supreme court to transfer a judge to hear the case and the supreme court shall thereupon transfer a judge. Thereafter, further proceedings shall be had as if the case was originally commenced under the practice and procedure applicable before circuit judges; but the sufficiency of plaintiff's petition shall be adjudged according to the procedures under chapter 517.

3. If a case be assigned or transferred to an associate circuit judge who is a resident of the county or to a circuit judge of the circuit, the case papers may be transferred to the division clerk or circuit clerk within the county who maintains the case records for the particular judge.

4. Provision may be made by local circuit court rule for the assignment of cases to other judges within the circuit in lieu of action by the presiding judge of the circuit as provided in subsections 1 or 2 of this section.

**517.570. Judge may continue trial to another day.**—Upon the return day, if a jury be required or if the judge be actually engaged in other official business or in any case when it shall be necessary, the judge may continue the trial to another day without the consent of either party.

**517.580. Continuance, when—costs, how assessed.**—The trial may be continued to a day certain upon the application of either party, for good cause shown, or when both parties consent to such continuance. Every such continuance shall be at the cost of the party applying therefor, unless otherwise ordered by the judge.

**517.610. Suit to be tried on set day.**—Every suit shall be tried on the day named in the process, when the same has been duly served or on the day to which it shall have been adjourned, unless it be continued or otherwise disposed of by the judge.

**517.620. Judge to hear and render verdict—when.**—When both parties appear before the judge in person, or by agent or attorney, at the appointed time for trial, unless a jury be demanded, the judge shall proceed to hear the allegations and proofs of the parties and render judgment according to his finding, or if the trial be by jury, according to the verdict of the jury.

**517.630. Either party may demand jury, when—number—verdict.**—Before

the judge shall commence an investigation of the merits of the cause, by an examination of the witnesses, or the hearing of any other testimony, either party may demand that the cause be tried by a jury. In the event a jury trial is requested, the case shall be certified for assignment as provided in section 517.520. If the case is thereafter tried with a jury before an associate circuit judge, the jury shall be composed of twelve good and lawful persons having the qualifications of jurors, unless the parties shall agree on a less number, in which case the jury shall consist of the number agreed upon, not less than six; provided, that three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. If the verdict be rendered by the entire panel, the foreman alone may sign it, but if rendered by a less number than the entire panel, it shall be signed by all the jurors who agree to it.

**517.650. Judge may enter judgment by consent of defendant.**—A judge may enter judgment by consent of the defendant.

**517.660. Requisites for consent and judgment thereon.**—No consent shall be taken or judgment rendered thereon, unless the following requisites be complied with:

- (1) The defendant must personally appear before the judge in open court, or
- (2) The consent must be in writing, signed by the defendant, or by some person by him thereto lawfully authorized, after the commencement of the action, and filed with the judge.

**517.675. General continuance, when.**—Upon the return day, if defendant or defendants have not been served with a summons, the judge may continue the case generally at the request of the plaintiff, or upon his own motion.

**517.680. Judgment for defendant, when rendered.**—Judgment for the defendant, with costs, shall be rendered whenever a trial or hearing has been had, and no sum shall be found by the verdict of the jury or by the decision of the judge in favor of the plaintiff.

**517.700. Judgment for plaintiff, when rendered.**—Judgment for the plaintiff, with costs, shall be rendered whenever a trial or hearing has been had and any sum shall be found by the verdict of a jury or decision of the judge in favor of the plaintiff.

**517.710. Time within which judge shall render judgment.**—In cases where a plaintiff shall be nonsuited, or withdraw his action, and where judgment shall be by consent or where a verdict shall be rendered, the judge shall forthwith render judgment and enter the same in his record; in all other cases he shall render judgment and enter the same in his record within three days after the cause shall have been submitted to him for his final decision.

**517.770. Clerk or officer to furnish transcript of judgment, when.**—Every clerk or officer who shall be in possession of the record of judgment shall, on demand of any person in whose favor the same shall have been rendered or of any person interested therein, whether by assignment or otherwise, give to such person a certified transcript of such judgment; and the clerk of the circuit court of the county in which the judgment was rendered shall, upon the production of any such transcript, file the same in his office and record the same in a book to be kept for the purpose, and forthwith enter the same in his permanent record of circuit court judgments, and note therein the date and hour of its filing.

**517.780. Judgment to be lien, when—transcript fee—revival of lien—when.**—Every such judgment, from the time of filing the transcript, shall have the same lien on the real estate of the defendant in the county as is given judgments rendered by circuit judges. The Circuit Clerk shall collect Two (\$2.00) Dollars fee for each transcript filed. The revival of any such lien upon real estate shall be under the same procedures as with judgments originally rendered by a circuit judge, shall be made from the record of the transcribed judgment so filed in the office of circuit clerk, and may be revived under proceedings before either a circuit or an associate circuit judge. The foregoing provisions shall not apply with respect to any judgment of a small claims court, nor shall any judgment of a small claims court be a lien upon real estate.

**517.910. Execution, force and effect.**—Execution, except as otherwise herein provided, shall have the same force and effect and be proceeded upon the same as executions issued upon judgments rendered by circuit judges.

**521.050. Suits by attachment—affidavit and bond—exceptions.**—Any plaintiff wishing to sue by attachment may file in the clerk's office of the court in which the attachment is instituted a petition or other lawful statement or exhibit of his cause of action, and, except in suits instituted by the state or a county in its own behalf, and also, except in cases where the defendant is not a resident of the state of Missouri, in either of which cases no bond shall be required, shall also file an affidavit and bond, and, thereupon, such plaintiff may sue out an original attachment against the lands, tenements, goods, moneys, effects and credits of the defendant in whose hands soever the same may be; and where the affidavit for an attachment states that the plaintiff will lose his claim, unless the writ of attachment issues, and be served on Sunday or any other legal holiday, the writ may be issued and served on that day; provided, that when any writ of attachment has issued against a nonresident and the plaintiff has given no bond, the attachment shall be dissolved as of course, and the lands, tenements, goods, moneys, effects and credits of the defendant taken or levied upon under such writ of attachment shall be released therefrom, upon the defendant entering his appearance and filing his answer to the merits of the case; unless the plaintiff shall, within ten days from the date of the filing and service of defendant's answer and entry of appearance, file his bond in said case in double the amount sworn to in the affidavit of the plaintiff; provided, however, upon good cause shown, the judge may grant an additional ten days to file said bond; the bond herein provided for as to its effect and the obligation of the parties thereto shall be the same as if filed before the writ of attachment was issued.

**521.190. Officer liable for insufficient bond—motion for new bonds, when made.**—If the officer fail to return a good and sufficient bond in any case where a bond is required by law, the court may, upon motion of the plaintiff, rule the officer to file a good and sufficient bond, to be judged of by the court on or before the day to which the writ is returnable; and in default thereof, such officer shall be held and considered as security for the performance of all acts, and the payment of all money, to secure the performance and payment of which such bond ought to have been taken, and he and his sureties shall be liable therefor on his official bond; but no such motion shall be made unless at the time when the writ is returnable or within six days thereof.

**521.270. Sale of perishable property—when and by whom ordered, how made.**—When property shall be actually seized which is likely to perish or depreciate

in value before the probable termination of the suit, or the keeping of which would be attended with much loss or expense, the court may order the same to be sold by the officer having charge of the property, and a return of the proceedings thereon to be made by the officer at a time to be fixed therein, and the sale shall be conducted in like manner, as near as may be, as sales of goods under writs of fieri facias.

**521.420. Proceedings on motion to dissolve, judgment, appeal—supersedeas.—**

1. The court shall hear evidence upon the issue joined by the motion to dissolve the attachment, and the burden is upon the plaintiff to prove the ground of attachment; and the court shall make an order either sustaining or overruling the motion to dissolve and, if the motion is overruled, the attachment remains in full force and effect unless the plaintiff voluntarily dismisses the same.

2. Upon the trial of the case upon the merits, there shall be incorporated in the judgment rendered in the cause, as a part of such judgment, a finding and judgment either that the attachment is dissolved and the sureties thereon released, or that the attachment is sustained, the finding to be in accordance with the action of the court theretofore taken on the motion to dissolve the attachment. Either party may appeal from a judgment rendered by a circuit judge or by an associate circuit judge hearing the case on the record by assignment after timely filing of a motion for a new trial and adverse action thereon, and either party may file an application for a trial de novo from a judgment rendered by an associate circuit judge who did not hear the case on the record by assignment. The giving of an appeal bond by the appellant or a trial de novo bond by the applicant, as the case may be, in such amount as the court requires shall operate as a supersedeas of the judgment. If the bond is given by the plaintiff, it preserves the attachment in full force until the final determination of the appeal in the appellate court, or of the case upon a retrial in the trial court, or of the trial de novo. The appeal or application for trial de novo shall be taken and perfected as in ordinary civil actions.

3. If the plaintiff, in case the judgment or findings are against him, fails to appeal or file an application for trial de novo therefrom, or, if the appeal or application for trial de novo is dismissed, or, if upon an appeal or application for trial de novo, the judgments or findings are affirmed, he and his sureties are liable on their bond for all damages and costs occasioned by the attachment or any subsequent proceedings connected therewith.

**521.430. Proceedings in case of defendant's death.—**1. If a defendant, in any attachment cause, except on debts not due, die after the levy of writ, or the summoning of a garnishee under it, the action and attachment and issues, with the garnishees or interpleader, made or to be made, shall not by reason of such death be dismissed, or the lien of the attachment destroyed; but all such actions and proceedings shall be proceeded on to final judgment and determination, in all respect and in like manner as if the defendant were living.

2. The executor or administrator of the decedent, if any, shall be made a party to the cause in the manner provided by law in ordinary actions. If there be no executor or administrator the court in which the cause is pending shall appoint an attorney to defend against the cause and attachment until the executor or administrator shall be made a party and such attorney shall be paid for his services a reasonable compensation, to be allowed by the court and taxed as costs in the cause; provided, that the attachment plaintiff in case of attachment on a debt not due may, at his or her election, proceed in such action against the administrator on the merits of said cause, or dismiss such case and

present such claim in the ordinary way in the probate division of the circuit court for allowance against the estate of such deceased defendant.

**521.480. Attachments, how dissolved—affidavit may be amended.**—Attachments in circuit courts may be dissolved on motion made in behalf of the defendant, at any time before final judgment, in the following cases:

(1) When the affidavit on which the same was founded shall be adjudged by the court insufficient; but no attachment shall be dissolved in such case, if the plaintiff shall file a good and sufficient affidavit, to be approved by the court, in such time and manner as the court shall direct; such affidavit may embrace the same ground of attachment set forth in the previous affidavit, or any other grounds, or both, at the option of the affiant;

(2) When the defendant shall appear and plead to the action, and give bond to the plaintiff, with good and sufficient security, to be approved by the court, in double the amount of the property, effects and credits attached, conditioned that such property, effects and credits shall be forthcoming, and abide the judgment which shall be rendered in the cause, when and where the court shall direct;

(3) When the defendant shall appear and plead to the action, and give like bond and security in a sum sufficient to satisfy the amount sworn to, in behalf of the plaintiff, with interest and costs of suit, conditioned that the defendant shall pay to plaintiff the amount which may be adjudged in favor of the plaintiff, interest and all costs of suit.

**521.500. Controversies between plaintiffs, how and where adjudicated.**—1. Where the same property is attached in several actions by different plaintiffs, against the same defendant, the court may settle and determine all controversies which may arise between any of the plaintiffs in relation to the property, and the priority, validity, good faith, force and effect of the different attachments, and may dissolve any attachment, partially or wholly, or postpone it to another, or make such order in the premises as right and justice may require.

2. If the writs issued from different courts of co-ordinate jurisdiction, such controversies shall be determined by that court out of which the first writ of attachment was issued; in order where to, the cases originating in the other court shall be transferred to it, and shall thenceforth be there heard, tried and determined in all their parts, as if they had been instituted therein.

3. And when the defendant has been notified by publication, and does not appear, any plaintiff, in the circumstances contemplated in this section, may make any defense to any previous attachment, or to the action, which the defendant might; but no judgment on any issue made in such manner shall be binding on the defendant personally, or bar the plaintiff in an action so contested by an opposing plaintiff from again suing the defendant on the same cause of action.

**521.570. When execution returned unsatisfied, bonds to be assigned—judgment rendered on motion—damages.**—Whenever it shall appear from the return of the officer upon an execution issued in an attachment suit, that none of the property attached has been found, or only a part thereof, and that said execution is not fully satisfied, the court shall direct the officer to assign to the plaintiff, his executor or administrator the bonds taken by him for the forthcoming of the property attached; and such court may, upon motion, render judgment in favor of the plaintiff, his executor or administrator, against the obligors in the bond, for the value of such property, or if the value of such property should



be greater than the amount due upon execution, then for the amount due, together with twenty percent damages upon such value or amount.

**521.600. Proceedings to avoid debt.**—In order to disprove or avoid the debt and damages, or damages as mentioned in section 521.590, the defendant may petition the court rendering the judgment, or the court to which the records and papers may have been removed, setting forth the grounds on which he resists the demand of the plaintiff, and furnish the plaintiff with a copy of the petition fifteen days before the same shall be presented, with a written notice, endorsed on the copy, of the day and place when and where the petition will be presented.

**521.660. Provisions relative to attachment to apply to proceedings before circuit and associate circuit judges.**—The provisions of law governing attachments shall apply to proceedings before circuit judges and before associate circuit judges in the same manner except as may be specifically provided otherwise.

**521.750. Bond may be exacted, when.**—When any sheriff, marshal, or other duly authorized officer shall levy an execution or attachment on any personal property, and any person other than the defendant in such execution or attachment shall claim such property or any interest therein, such officer may demand of the plaintiff or his agent in such execution or attachment a sufficient indemnification bond with at least two good and sufficient sureties, to be approved of by such officer, and may refuse to execute such execution or attachment until such indemnification bond be given.

**521.840. Proceedings in case of more than one claimant.**—Where more than one claim is made to any property levied on by any sheriff, marshal, or other duly authorized officer, the same proceedings shall take place in regard to each of such claims as is prescribed in regard to a claim in this law.

**521.860. Court may require bond, when.**—1. Whenever suit is brought against any sheriff, marshal, or other duly authorized officer or his sureties or the representatives of any of them on account of any levy on or sale of any property or interest therein, and notice of such levy or sale was made, said court shall not order the payment of the proceeds of such sale to the party or parties who may appear to be entitled to the same unless such parties shall have given a bond as required in section 521.850 or shall forthwith give such bond.

2. The court in which such suit is brought may, in its discretion, permit any person who has given bond as aforesaid to be joined as defendant in such suit.

3. If in any such suit the plaintiff shall establish his right to any property or interest levied on or sold as aforesaid, the officer against whom such suit is brought, his sureties, and the legal representatives of any of them shall thereupon have a right to recover back any money paid as made on the levy or sale to which such suit related, and if such levy or sale was made by direction or authority of any person interested in the same or his agent shall also have a right to recover of the person so directing or authorizing such levy or sale all damages which such officer, his sureties, or the legal representatives of any of them may have paid on account of any such levy or sale.

**523.010. Lands may be condemned, when—petition—parties.**—1. In case land, or other property is sought to be appropriated by any road, railroad, street railway, telephone, telegraph or any electrical corporation organized for the manufacture or transmission of electric current for light, heat or power, including the construction (when that is the case) of necessary dams and appurtenant canals,

flumes, tunnels and tailraces and including the erection (when that is the case) of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations or any oil, pipe line or gas corporation engaged in the business of transporting or carrying oil or gas by means of pipes or pipe lines laid underneath the surface of the ground, or other corporation created under the laws of this state for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the state, such corporation may apply to the circuit court of the county of this state where said land or any part thereof lies by petition setting forth the general directions in which it is desired to construct their road, railroad, street railway, telephone, or telegraph line or electric line, including (when that is the case) the construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and tailraces and when that is the case the appropriation of land submerged by the construction of said dam, and including the erection and maintenance (when that is the case) of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipe line or gas line over or underneath the surface of such lands, a description of the real estate or other property, which the company seeks to acquire; the names of the owners thereof, if known or if unknown; a pertinent description of the property whose owners are unknown and praying the appointment of three disinterested freeholders, as commissioners, or a jury, to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, street railway, telephone, telegraph line, or electrical line including damages from the construction and maintenance of necessary dams and the condemnation of land submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipe line, or gas line over or underneath the surface of such lands; to which petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or circuit may be made parties defendant by names if the names are known, and by the description of the unknown owners of the land therein described if their names are unknown.

2. If the proceedings seek to affect the lands of persons under guardianship, the guardians must be made parties defendant; if the land of married women, their husbands must be made parties defendant. If the present owner of any land to be affected has less estate than a fee the person having the next vested estate in remainder may at the option of the petitioners be made party defendant; but if such remaindermen are not made parties their interest shall not be bound by the proceedings.

3. It shall not be necessary to make any persons party defendants in respect to their ownership unless they are either in actual possession of the premises to be affected claiming title or having a title of the premises appearing of record upon the proper records of the county.

**525.030. Persons exempted from summons as garnishee, when—amount to be withheld from wages, how computed—earnings defined—penalty.**—1. No sheriff or other officer charged with the collection of money shall, prior to the return day of an execution or other process upon which the same may be made, be liable to be summoned as garnishee; nor shall any county collector, county treasurer or municipal corporation, or any officer thereof, or any administrator or executor of an estate, prior to an order of distribution, or for payment of legacies, or the allowance of a demand found to be due by his estate, be liable to be summoned

as garnishee; nor shall any person be so charged by reason of his having drawn, accepted, made or endorsed any promissory note, bill of exchange, draft or other security, in its nature negotiable, unless it be shown at the hearing that such note, bill or other security was the property of the defendant when the garnishee was summoned, and continued so to be until it became due.

2. The maximum part of the aggregate earnings of any individual for any workweek, after the deduction from those earnings of any amounts required by law to be withheld, which is subjected to garnishment may not exceed (a) twenty-five percentum, or, (b) the amount by which his aggregate earnings for that week, after the deduction from those earnings of any amounts required to be withheld by law, exceed thirty times the federal minimum hourly wage prescribed by section 6(a) (1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, or, (c) if the employee is the head of a family and a resident of this state, ten percentum, whichever is less.

The restrictions on the maximum earnings subjected to garnishment do not apply in the case of any order of any court for the support of any person, any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act or any debt due for any state or federal tax.

For pay periods longer than one week, the provisions of subsection 2(a) and (c) of this section shall apply to the maximum earnings subjected to garnishment for all workweeks compensated, and under subsection 2(b) of this section, the "multiple" of the federal minimum hourly wage equivalent to that applicable to the earnings subject to garnishment for one week shall be represented by the following formula: The number of workweeks or fractions thereof (x) x 30 x the applicable federal minimum wage. For the purpose of this formula, a calendar month shall be considered to consist of  $4\frac{1}{3}$  workweeks, a semimonthly period to consist of  $2\frac{1}{6}$  weeks. The "multiple" for any other pay period longer than one week shall be computed in a manner consistent herewith.

The restrictions on the maximum amount of earnings subjected to garnishment shall also be applicable to all proceedings involving the sequestration of wages of employees of all political subdivisions.

The term "earnings" as used herein means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

3. In any proceeding of garnishment or sequestration of wages under the provisions of sections 525.010 to 525.480, the maximum part of the aggregate earnings of any individual in any workweek which shall be subject to garnishment or sequestration pursuant to the provisions of subsection 2 of this section shall be construed to constitute all wages or earnings of the defendant in the garnishee's possession or charge or to be owing by him to the defendant in that week.

4. No notice, summons, or writ of garnishment, or sequestration of wages issued or served under sections 525.010 to 525.480 shall attach or purport to attach any wages in excess of the amounts prescribed in subsection 2 of this section and each such notice, summons, or writ shall have clearly and legibly reproduced thereon the provisions of subsections 2, 5 and 6 of this section.

5. No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment or sequestration for any one indebtedness.

6. Whoever willfully violates the provisions of subsection 5 of section 525.030 is guilty of a misdemeanor.

**525.310. Compensation of state and municipal employees subject to writ of sequestration.—1.** When an execution issued on a judgment rendered against an officer, appointee or employee of the state of Missouri, or any municipal corporation or other political subdivision of the state, has been returned unsatisfied in whole or in part, the judgment creditor, or his attorney or agent, may file in the office of the clerk of the court before whom the judgment was rendered, an application setting forth such facts, and that the judgment debtor is employed by the state, or a municipal corporation or other political subdivision of the state, with the name of the department of state or the municipal corporation or other political subdivision of the state which employs said judgment debtor, and the name of the treasurer, or the name and title of the paying, disbursing or auditing officer of the state, municipal corporation or other political subdivision of the state, charged with the duty of payment or audit of such salary, wages, fees or earnings of such employee, and upon the filing of such application the clerk shall issue a writ of sequestration directed to the sheriff or other officer authorized to execute writs in the county in which such paying, disbursing or auditing officer may be found commanding such sheriff or executing officer to take into his possession any and all moneys, checks, drafts, warrants, vouchers, or other evidence of indebtedness, for salary, wages, fees or earnings for services rendered by said judgment debtor, then due and payable, and which shall thereafter become due and payable, from the date of said writ to the return day thereof; and said sheriff or other officer to whom said writ is directed shall serve a true copy thereof upon such paying, disbursing or auditing officer named therein, which shall have the effect of attaching in his hands any and all moneys, checks, drafts, warrants, vouchers, or other evidences of indebtedness, then due and payable, and which shall thereafter become due and payable from the state, or such municipal corporation or other political subdivision of the state, to said judgment debtor from and after the date of the service of said writ to the return day thereof.

2. Said officer serving said writ shall endorse thereon the day and date he received the same, and shall take into his possession, as the same shall become due to said judgment debtor, such moneys, checks, drafts, warrants, vouchers, or other evidences of indebtedness, and shall issue his receipt to such paying, disbursing or auditing officer therefor, and he shall endorse, in the name of said judgment debtor, any and all such checks, drafts, warrants, vouchers, or other evidences of indebtedness delivered to him under such writ, and the proceeds thereof, less any amount or amounts exempt to said judgment debtor under the exemption statutes of this state, or so much thereof as shall be necessary therefor, shall be applied to the payment of the judgment debt, interest and costs in the same manner as in the case of garnishment under execution; and said sheriff or other officer serving said writ shall make his return to said writ showing the manner of serving the same, and he shall be allowed the same fees therefor as provided for levy of execution, and said writ shall be returnable in the same manner as the execution issued out of the court in which said judgment was rendered; provided, that nothing herein contained shall deprive the judgment debtor of any exemptions to which he may be entitled under the exemption laws of this state, and the same may be claimed by him to the sheriff or other officer serving the writ at any time on or before the return day of the writ in the manner provided under the exemption laws of this state, and it shall be the duty of such sheriff or other officer serving the writ, at the time of the service thereof, to apprise said judgment debtor of his exemption rights, either in person or by registered letter directed to said judgment debtor to his last known address.

**526.010. Injunctions granted by certain courts.—**Injunctions may be granted

by a circuit judge, and if specially assigned or transferred to hear the cause or if there is no circuit judge present within the county, by an associate circuit judge.

**526.020. Granting of injunction by associate circuit judge, when.**—Unless an associate circuit judge is specially assigned or transferred to hear the cause, before an injunction shall be granted by an associate circuit judge, the applicant shall produce satisfactory evidence that there is not then any circuit judge within such county.

**526.040. Filing of petition and return of injunction bond.**—Before any party shall be entitled to the injunction herein provided, he shall have filed in the circuit court, or in the office of the clerk thereof, having jurisdiction of the suit, his petition setting forth his cause of action; and when the injunction shall be granted by the circuit judge, it shall be in writing, signed by the judge, and returned together with the bond, to the office of the clerk of the circuit court wherein such petition shall have been filed, and become a part of the record in said cause.

**526.180. Motion, when continued.**—If, after a motion for a dissolution of the injunction is made, either party will satisfy the court, by his own affidavit, or that of any other person for him, that any material specified part of the bill or answer to which he objects is untrue, that he has witnesses whose testimony he believes he can procure within a reasonable time, or other material testimony which will disprove the same, and that he has not been able to procure such testimony by using due diligence, the court may continue the motion until a later date.

**526.220. Violation of injunction, how punished.**—If any person disobey or violate an injunction after it is served on him, the circuit court to which it is returned shall issue an attachment against him for a contempt; and unless he shall disprove or purge the contempt, the judge may commit him to jail until the sitting of the court in which the injunction is pending, or take bail for his appearance in said court at a specified time, to answer for the contempt, and abide the order of the court, and in the meantime to observe and obey the injunction.

**527.010. Scope.**—The circuit courts of this state, within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

**530.020. What courts and judges may grant writ.**—The supreme court, and each division thereof, the court of appeals and the circuit courts, within their several jurisdictions, and also the judges of the supreme court and court of appeals and circuit judges to the extent herein provided in this chapter, shall have power to hear and determine proceedings in prohibition.

**530.080. Motion for new trial—appeal.**—Any final judgment in prohibition shall be reviewable by a motion for a new trial, and by appeal, as in other civil actions; but in the case of an appeal from the judgment of any circuit court imposing a prohibition, the appeal shall not operate to discontinue or in anywise effect the force of the judgment as a stay of the proceedings in question, until such appeal be determined.

**532.020. Application, how made—petition and oath.**—Application for the writ shall be made by petition, signed by the party for whose relieve it is intended, or by some person in his behalf, to some court of record, or to any judge thereof other than a municipal judge. The petition shall be verified by the oath of the applicant, or some other competent person and shall state in substance by whom the party for whom the relief is prayed is imprisoned or restrained of his liberty, and the place where, naming both parties, if their names are known, or describing them if they are not, all the facts concerning the imprisonment or restraint, and the true cause thereof, to the best of the knowledge and belief of the party, and that no application for the relief sought has been made to or refused by any court, officer or officers, superior to the one to whom the petition is presented; and, if the imprisonment is alleged to be illegal, the petition also shall state in what the illegality consists.

**532.030. Application, to what court first made.**—When a person applies for the benefit of this chapter, who is held in custody on a charge of crime or misdemeanor, his application, in the first instance, shall be to a judge of the circuit court for the county in which the applicant is held in custody, other than a municipal judge; and upon every application of the kind aforesaid, the applicant shall cause reasonable notice of the time and place of making the application to be given to the circuit or prosecuting attorney for the county in which the application is to be made, if at the time thereof such attorney be in the county, and upon such notice, it shall be the duty of such attorney to attend upon the hearing of such application on behalf of the state.

**532.060. Writ to be granted without delay, unless.**—Any court empowered to grant a writ of habeas corpus under this chapter to whom such petition shall be presented, shall grant such writ without delay, unless it appear, from the petition itself, or the documents annexed, that the party can neither be discharged nor admitted to bail, nor in any other manner relieved under the provisions of this chapter.

**532.120. Expense of producing prisoner paid by petitioner.**—The courts allowing a writ of habeas corpus may, in their discretion, require, as a duty to be performed in order to render the service thereof effectual, that the charges of bringing up the prisoner and conveying him back, if remanded, shall be paid by the petitioner; and in such case the court shall, on the allowance of the writ, specify the amount, which shall not exceed ten cents per mile; and the amount so to be paid shall be stated in writing on the writ, signed by the clerk, if in term, or by the officer by whom the writ is awarded.

**532.200. The body to accompany the return.**—If any officer or person upon whom a writ of habeas corpus shall have been served shall have in his custody or power, or under his restraint, the party for whose benefit the writ was awarded, he shall also bring the body of such person before the court, according to the command of the writ, and within the time herein specified for making return, except in case of sickness of such person, as herein provided.

**532.210. Prisoner may not be returned with writ, when.**—Whenever, from the sickness or other infirmity of the person directed to be produced by any writ of habeas corpus, such person cannot, without danger, be brought before the court before whom the writ is returnable, the person in whose custody he is may state the fact in his return, verifying the same by his oath; and such court, if satisfied of the truth of such allegation and the return be otherwise

sufficient, shall proceed thereon, and dispose of the matter in the same manner as if the prisoner were brought before him, except as in section 532.220 provided.

**532.220. Proceedings under section 532.210.**—If, in the case mentioned in section 532.210, it appear that the prisoner is legally imprisoned and not bailable, such court shall proceed no further therein; if he ought to be held to answer for a bailable offense, an order shall be made and proceeded on, as provided by this chapter in case where the prisoner is remanded for want of bail; and when it appears that the prisoner is entitled to his discharge, the court shall make an order to that effect.

**532.250. Judge or clerk to furnish examination, when.**—If no such examination shall have accompanied the commitment, nor be in the possession of the officer having the prisoner in custody, such officer shall exhibit the writ of habeas corpus, when served on him, to the judge by whom the prisoner was committed, or to the clerk of the court, if the papers are in his office; and it shall be the duty of the judge or clerk to deliver to such officer having the custody of the prisoner the examination and proofs relating to the offense charged, to be by such officer returned with the writ.

**532.260. Judge shall appear in person, when.**—If no examination shall have been filed with the commitment, or filed in the office of the clerk of the court, as required by law, and none be produced by the committing judge, upon the exhibition of the writ of habeas corpus to him, as provided in section 532.250, such judge shall appear in person, at the time and place to which the writ is returnable, and if he fail to do so may be proceeded against by attachment.

**532.270. Writ may issue when party about to be removed from the state.**—Whenever it shall appear by satisfactory proof that any person is illegally imprisoned or restrained of his liberty, and that there is good reason to believe that he will be carried out of the state, or suffer some irreparable injury, before he can be relieved by a writ of habeas corpus, any court, authorized to issue such writs, may issue a warrant reciting the facts, and directed to any sheriff, coroner or other person, commanding him to take the prisoner and bring him forthwith before such court, to be dealt with according to law.

**532.290. Warrant, how executed.**—The warrant shall be executed according to the command thereof; and when the prisoner shall be brought before a court, the person detaining such prisoner shall make a return in like manner, and the like proceedings shall be had as if a writ of habeas corpus had been issued in the first instance.

**532.300. Proceedings on return of writ.**—If the person having such prisoner in custody shall be brought before a court as for a criminal offense, he shall be examined, committed, bailed or discharged, in like manner as in other criminal cases of like nature.

**532.320. Answer to return, contents.**—The party brought before any court, by virtue of any writ of habeas corpus, may deny the material facts set forth in the return, or allege any fact to show, either that his detention or imprisonment is unlawful, or that he is entitled to his discharge; which allegations or denials shall be on oath.

**532.330. Return and answer may be amended.**—The return and the allegations made against it may be amended, by leave of the court before whom the writ is returned at any time, that thereby material facts may be ascertained.

**532.340. Examination to be read when prisoner under criminal charge.**—Where any person brought before any court upon a writ of habeas corpus shall have been committed for any criminal or supposed criminal matter, the examination and information, taken and certified by the committing judge, shall be read in evidence before the court before whom the prisoner is brought.

**532.350. Evidence admissible on hearing—duty of judge.**—When the offense is clearly and specifically set forth in the warrant of commitment, no evidence other than the examination taken and certified thereunto shall be received for or against the prisoner, unless such examination has not been taken and certified according to law, in which case the committing judge may be examined, if desired by the prisoner, as to the evidence on which the commitment was found, and thereupon the court shall proceed to bail, discharge or remand the prisoner, as the circumstances of the case may require; and in the absence of all such evidence, the prisoner shall not be discharged, but may be bailed or remanded, according to the circumstances of the case.

**532.360. Duty of court on final hearing.**—The court shall proceed to examine into the cause of confinement or restraint, and shall settle the facts in a summary way, by hearing the testimony, as well on the part of the persons interested as of the prisoner, and the person who holds him in custody, and shall dispose of the prisoner as the case shall require.

**532.380. Prisoner discharged, when.**—If no legal cause be shown for the imprisonment or restraint, or for the continuation thereof, the court shall forthwith discharge such party from the custody or restraint under which he is held.

**532.410. When remanded.**—It shall be the duty of the court forthwith to remand the party, if it shall appear that he is detained in custody, either:

(1) By virtue of process issued by any court or judge of the United States, in a cause where such court or judge has exclusive jurisdiction; or

(2) By virtue of the final judgment or decree of any competent court of civil or criminal jurisdiction, or of any execution issued upon such judgment or decree; or

(3) For any contempt, specially and plainly charged in the commitment, by some court, officer or body, having authority to commit for a contempt so charged; or

(4) That the time during which such party may be legally detained has not expired.

**532.420. Party remanded, not to be discharged on second writ.**—It shall not be lawful for any court, on such second writ of habeas corpus, to discharge the prisoner, if he is clearly and specifically charged in the order remanding him, or on the warrant of commitment, with a criminal offense, but the prisoner, on the return of such writ, shall be bailed or remanded to prison, according to the circumstances of the case.

**532.460. When prisoner may be let to bail.**—When the imprisonment is for a criminal or supposed criminal matter, the court before whom the prisoner shall be brought, under the provisions of this chapter, shall not discharge him for any informality, insufficiency or irregularity of the commitment; but if, from the examination taken and certified by the committing judge, or other evidence, it appear that there is sufficient legal cause for commitment, he shall proceed to take bail, if the offense be bailable, and good bail be offered; if not, shall commit the prisoner to jail.



**532.470. The order of discharge.**—If it appear that any person brought before a court under this chapter is entitled to be discharged, the court shall make an order, in writing, commanding those who have such person in custody to discharge him forthwith, and shall also deliver to the person discharged a certificate of such discharge.

**532.480. Court to fix amount of bail, when.**—If the prisoner be held to answer for a bailable offense, the court shall determine in what sum bail shall be given, and shall cause the prisoner to enter into a recognizance, with sufficient sureties, which recognizance shall be taken, certified and returned as provided by law in like cases; and if the prisoner does not give the required bail, the court shall make an order remanding him, and shall, by such order, designate the sum in which bail shall be taken, and the court at which he is required to appear, and that, on such bail being entered into, in conformity with such order and the provisions of law, the prisoner shall be discharged.

**532.500. Prisoner remanded, when.**—If a prisoner be not entitled to his discharge, and be not bailed, the court before whom the proceedings are had shall remand him to the custody or place him under the restraint from which he was taken, if the person under whose custody or restraint he was, be entitled thereto; if not so entitled, then he shall be committed to the custody of such officer or person as by law is entitled thereto.

**532.520. Custody of prisoner between return and judgment.**—Until judgment be given upon the return, the court before whom the party shall be brought may either commit such party to the custody of the sheriff of the county in which the proceedings are had, or place him in such care or custody as his age or other circumstances may require.

**532.530. Order of discharge, how enforced.**—Obedience to any order for the discharge of a prisoner, granted pursuant to the provisions of this chapter, may be enforced by the court granting such order, by attachment, in the same manner as herein provided in cases of failure to make return to a writ of habeas corpus, and with like effect in all respects.

**532.590. Custody of prisoner granted officer holding attachment for derelict officer.**—The court by whom such attachment shall be awarded may also issue a precept to the same sheriff, or other person to whom such attachment shall be directed, commanding him to bring forthwith before such court the party for whose benefit such writ of habeas corpus shall have been allowed, who shall thereafter remain in the custody of the sheriff or person executing such precept, until he shall be discharged, bailed or remanded, as such court shall direct.

**532.610. Court improperly refusing writ, penalty.**—If any court, authorized by the provisions of this chapter to grant writs of habeas corpus, shall refuse to issue any such writ, when legally applied for, in a case where such writ may lawfully issue, or shall unreasonably delay the issuing such writ, every member of such court who shall have assented to such refusal or delay shall forfeit to the party aggrieved a sum not exceeding one thousand dollars.

**532.620. Penalty for recommitting except as allowed herein.**—If any judge, either solely or as a member of any court, or in the execution of any order, judgment or process, shall knowingly recommit, imprison or restrain of his liberty, or cause to be recommitted, imprisoned or restrained of his liberty, for the same cause, except as in this chapter is prescribed, any person so discharged,

or shall knowingly aid or assist therein, he shall be deemed guilty of a misdemeanor, and shall also forfeit to the party aggrieved a sum not exceeding one thousand dollars.

**533.240. Replevin—who may hear.**—Circuit judges may hear and determine all actions brought for the recovery of specific personal property. Associate circuit judges may hear and determine without special assignment or transfer all actions brought for the recovery of specific personal property when the value of the property sought to be recovered and the damages claimed for the taking or detention and for injuries thereto shall not exceed, in the aggregate, the monetary amount established by law for those civil cases which an associate circuit judge may hear and determine without special assignment or transfer. If specially assigned or transferred, associate circuit judges may hear and determine other cases for the recovery of specific personal property with the procedure to be as in cases triable before a circuit judge.

**533.250. Value of property governs jurisdiction.**—The value of the property, as set forth in the statement and affidavit, shall fix the monetary amount so far as the value is concerned which governs whether the case may be heard and determined by an associate circuit judge without special assignment or transfer; but the value of the property shall not be assessed against the defendant at a greater amount than that sworn to by the plaintiff in his statement.

**534.060. Before whom cognizable—centralized filing—assignment of cases.**—Forcible entries and detainers, and unlawful detainers, may be heard and determined by any associate circuit judge of the county in which they are committed. Neither the provisions of this section or any other section in this chapter shall preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record, to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case is heard initially before an associate circuit judge who has been specially assigned to hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo, and in such instances, notwithstanding the specific references to chapter 517 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517.

**534.070. Complaint and summons.**—When complaint to the circuit court of the proper county shall be made in writing, signed by the party aggrieved, his agent or attorney, and sworn to, specifying the lands, tenements or other possessions so forcibly entered and detained, or unlawfully detained, and by whom and when done, it shall be the duty of the judge hearing such case to issue his summons under his hand, directed to the sheriff or proper officer of the

county, commanding him to summon the person against whom the complaint shall have been made to appear, at a day in such summons to be specified.

**534.080. Form of summons.**—The summons shall be endorsed on or annexed to the complaint, and may be in the following form:

The state of Missouri, to the sheriff of the county of .....  
greeting: You are hereby commanded to summon E F, of the county of .....  
to appear before the undersigned judge within and for said county, at .....  
therein, on the ..... day of ....., at the hour of .....  
of the clock in the forenoon, then and there to answer and defend against  
the complaint of G H, of forcible entry and detainer (or of unlawful detainer,  
as the case may be), made by the said E F upon the land of the said G H, as  
by the complaint of the said G H, hereto annexed, will more fully appear, and  
have you then and there this writ, with the return of your proceedings thereon.

Given under my hand this ..... day of ....., 19 .....

A B, Judge.

**534.090. Serving of summons—service by mail—publication of notice.**—1.  
Such summons shall be served as in other civil cases at least five days before the  
return day thereof.

2. If the officer, or other persons empowered to execute the summons, shall  
return that the defendant is not found, or that he has absconded or absented  
himself from his usual place of abode in this state, it shall be the duty of the  
judge before whom the proceeding is commenced, at the request of the plain-  
tiff, to make an order directing that notices shall be set up for ten days on  
the premises in question and in one public place in the county where the de-  
fendant was believed to dwell, informing the defendant of the commencement  
of the proceedings against him and to make an order directing that a copy  
of the summons be delivered to the defendant at his last known address by  
certified mail, return receipt requested, delivered to addressee only. And on  
proof of the notice and of the mailing of notice by certified mail by affidavit of  
some competent witness, the judge shall proceed to hear the case as if there  
had been personal service, and judgment shall be rendered and proceedings had  
as in other cases, except that where the defendant is in default no money  
judgment shall be granted the plaintiff under the order of publication and  
certified mail procedure set forth herein.

**534.110. Power to issue subpoenas and compel attendance of witnesses.**—The  
judge shall have power to issue subpoenas for witnesses on the application of  
either party, and if the witnesses summoned do not attend, may issue an attach-  
ment to compel their attendance, and may continue the cause at his discretion,  
not exceeding ten days.

**534.130. Failure of defendant to appear.**—If the defendant, being duly sum-  
moned, does not appear at the time appointed for hearing the complaint, the  
judge shall proceed with the hearing of the cause.

**534.140. Both parties appear—proceedings.**—When both parties appear be-  
fore the judge in person, or by agent or attorney, at the time appointed for the  
trial of the cause, the judge shall proceed to examine the complaint and proofs  
of the parties, and judgment shall thereupon be rendered according to the  
finding of the judge, as herein directed.

**534.160. Demand for trial by jury.**—Either party shall have the right to a  
jury trial if a timely request therefor is made as in other civil cases.

**534.170. Amendments permitted and new parties added, when.**—Any judge may, in open court and at any time, in furtherance of justice and on such terms as may be proper, on motion of either party, allow any complaint, summons, writ or other proceeding to be amended and permit new parties as coplaintiffs or codefendants to be added and correct a mistake in the name of either party.

**534.180. Depositions may be taken.**—Depositions may be taken to be read on trial of any such cause in the same manner as in causes before circuit judges.

**534.190. When depositions may be read.**—Every such deposition taken and returned according to law may be read if competent and relevant, as evidence in the cause in the same manner and under the same circumstances as in the trial of civil causes before circuit judges.

**534.310. Verdict for complainant—what it shall include.**—Whenever the verdict of the jury or finding of the judge shall be for the complainant, damages shall be assessed as well for waste and injury committed upon the premises found to have been forcibly or unlawfully detained, as for all rents and profits due and owing up to the time of the rendering of the verdict or finding of the judge, and such verdict or finding shall also state the monthly value of the rents and profits of said premises.

**534.320. Verdict may be corrected in matters of form.**—No verdict shall be set aside for informality, but the judge may in the presence of the jury, correct the same in matters of form, changing no matter of substance.

**534.330. Judgment on verdict for complainant.**—If the verdict of the jury or the finding of the judge be for the complainant, the judge shall record the same, and the judgment shall be that the complainant have restitution of the premises found to have been forcibly or unlawfully detained, and recover of the defendant the sum of ..... dollars, double the sum assessed by the jury, or found for his damages; and also at the rate of ..... dollars, double the sum found per month, for rents and profits, from the ..... day of ....., 19 ....., the day of judgment, until restitution be made, together with costs.

**534.340. Transcript of judgment—revived and enforced, how.**—Such judgment may be filed, transcribed and shall have like effect as other judgments and may be revived and enforced in the same manner.

**534.350. Execution—when issued and levied.**—The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for the filing of an application for trial de novo or the taking of an appeal, except as in the next succeeding section is provided.

**534.360. Execution, when defendant is about to abscond.**—If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for the filing of an application for a trial de novo or taking an appeal.

**534.370. Form of execution against defendant.**—Executions against defendants shall contain a clause of restitution, and, in other respects, conform to the judgment, and may be in the following form:

The state of Missouri, to the sheriff of the county of .....  
 greeting: Whereas, G H, on the ..... day of .....  
 19 ....., obtained judgment before the undersigned judge for the county  
 of ....., against E F, that the said G H have restitution of  
 (here insert a description of the premises, as in the complaint, if the verdict be  
 for the whole, or as in the verdict, if it be for a part), and that he recover of  
 the said E F the sum of ..... dollars for his damages, and  
 also at the rate of ..... dollars per month for rents and  
 profits, from the ..... day of ....., 19 ....., until  
 restitution be made, together with costs: You are, therefore, commanded to take  
 with you the power of the county, if necessary, and to cause the said E F to be  
 forthwith removed from the said premises, and the said G H to have peaceable  
 possession thereof; and that of the goods and chattels of the said E F you  
 cause to be levied the damages, rents and profits aforesaid, with the sum  
 of ..... dollars for costs and ..... for  
 this writ and your fees hereon, and that you return this writ, with your doings  
 thereon, to the undersigned within twenty days from the date hereof. Given  
 under my hand this ..... day of ....., 19 .....

A B, Judge.

**534.380. Judgment stay for appeals and trial de novo.**—Applications for trials de novo and appeals shall be allowed and conducted in the manner provided in chapter 512, but no application for a trial de novo or appeal shall be allowed unless a bond which is sufficient to act as a supersedeas of the judgment is filed with the court within ten days after rendition of the judgment.

**535.020. Procedure to recover possession—statement—summons.**—Whenever any rent has become due and payable, and payment has been demanded by the landlord or his agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or his agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which said property was rented, and the amount of rent actually due to such landlord; that the same has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased; and thereupon the judge shall issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before him upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The provisions of this section providing for the filing of a statement before an associate circuit judge shall not preclude adoption of a local circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court rule or action by the presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the case is heard before an associate circuit judge who has not been specially assigned to hear the case on the record, to the extent practice and procedure are not provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case is heard initially before an associate circuit judge who has been specially assigned to

hear the case on a record or before a circuit judge, the case shall be heard and determined under the same practice and procedure as would apply if the case was being heard upon an application for trial de novo, and in such instances, notwithstanding the specific references to chapter 517 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517.

**535.030. Service of summons.**—1. Such summons shall be served as in other civil cases at least five days before the return day thereof.

2. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that he has absconded or absented himself from his usual place of abode in this state, it shall be the duty of the judge before whom the proceeding is commenced, at the request of the plaintiff, to make an order directing that notices shall be set up for ten days on the premises in question and in one public place in the county where the premises are located, informing the defendant of the commencement of the proceedings against him and to make an order directing that a copy of the summons be delivered to the defendant at his last known address by certified mail, return receipt requested, delivered to addressee only. And on proof of the notice and of the mailing of notice by certified mail by affidavit of some competent witness, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the order of publication and certified mail procedure set forth herein.

**535.040. Upon return of summons magistrate to render judgment—duty of officer under writ.**—Upon the return of the summons executed, the judge shall proceed to hear the cause, and if such is being heard by an associate circuit judge who has not been specially assigned to hear the cause on the record such hearing shall be without a jury, and if it shall appear that the rent which is due has been demanded of the tenant, lessee or persons occupying the property, and that payment has not been made, and if the payment of such rent, with all costs, has not been made, and if the payment of such rent, with all costs, shall not be tendered before the judge, on the hearing of said cause, the judge shall render judgment that the landlord recover the possession of the premises so rented or leased, and also his debt for the amount of the rent then due, with all costs; provided, that unless the case is heard upon the record by a circuit judge or by an associate circuit judge who is specially assigned or transferred to hear and determine the case under procedures applicable before circuit judges, the amount of the rent shall not exceed the monetary amount established by law for those civil cases which an associate circuit judge may hear and determine without special assignment and transfer; and shall issue an execution upon such judgment, commanding the officer to put the landlord into immediate possession of the property leased or rented, and to make the debt and costs of the goods and chattels of the defendant; upon which execution the officer shall deliver possession of the property to the landlord within five days from the time of receiving the said execution, and he shall proceed upon the said execution to collect the debt and costs, and return the writ, as in case of other executions; and provided further, that if the plaintiff so elect, he may sue for possession alone, without asking for recovery of the rent due.

**535.100. Change of judge and venue same as under Chapter 517.**—The rights

to a change of venue and disqualification of a judge in proceedings under this chapter shall be the same and shall be exercised in the same manner as in proceedings under chapter 517.

**535.110. Appeals and trial de novo allowable—defendant to furnish bond.**—Applications for trials de novo and appeals shall be allowed and conducted in the manner provided in chapter 512; but no application for a trial de novo or appeal shall be allowed the defendant, unless he give bond, with security sufficient to secure the payment of all damages, costs and rent then due and to accrue, and with condition to stay waste.

**536.110. Petition, when filed—process—venue.**—1. Proceedings for review may be instituted by filing a petition in the circuit court of the county of proper venue within thirty days after the mailing or delivery of the notice of the agency's final decision.

2. Such petition may be filed without first seeking a rehearing, but in cases where agencies have authority to entertain motions for rehearing and such a motion is duly filed, the thirty day period aforesaid shall run from the date of the delivery or mailing of notice of the agency's decision on such motion. No summons shall issue in such case, but copies of the petition shall be delivered to the agency and to each party of record in the proceedings before the agency or to his attorney of record, or shall be mailed to the agency and to such party or his said attorney by registered mail, and proof of such delivery or mailing shall be filed in the case.

3. The venue of such cases shall, at the option of the plaintiff, be in the circuit court of Cole county or in the county of the plaintiff or of one of the plaintiff's residence or if any plaintiff is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office. The court in its discretion may permit other interested persons to intervene.

**537.020. Action for personal injury or death to survive regardless of death of either party.**—1. Causes of action for personal injuries, other than those resulting in death, whether such injuries be to the health or to the person of the injured party, shall not abate by reason of his death, nor by reason of the death of the person against whom such cause of action shall have accrued; but in case of the death of either or both such parties, such cause of action shall survive to the personal representative of such injured party, and against the person, receiver or corporation liable for such injuries and his legal representatives, and the liability and the measure of damages shall be the same as if such death or deaths had not occurred. Causes of action for death shall not abate by reason of the death of any party to any such cause of action, but shall survive to the personal representative of such party bringing such cause of action and against the person, receiver or corporation liable for such death and his or its legal representatives.

2. The right of action for death or the right of action for personal injury that does not result in the death shall be sufficient to authorize and to require the appointment of a personal representative by the probate division of the circuit court upon the written application therefor by one or more of the beneficiaries of the deceased. The existence of the right of action for death or personal injury that does not result in death shall be sufficient to authorize and to require the appointment of a personal representative for the person liable for such death or injury by the probate court upon his death upon the written application of any person interested in such right of action for death or injury.

**537.021. Action for damages must be brought and defended by executors or administrators when party is deceased—exception—defendant ad litem, fee of.**—The existence of a cause of action for an injury to property, for a personal injury not resulting in death, or for wrongful death, which action survives the death of the wrongdoer or the person injured, or both, shall authorize and require the appointment by a probate division of the circuit court of:

(a) An executor or administrator of the estate of a person whose property is injured, or a person injured or a person entitled to maintain a wrongful death action upon the death of any such person; and

(b) An executor or administrator of the estate of a wrongdoer upon the death of such wrongdoer, unless a deceased wrongdoer leaves no assets subject to probate administration and is insured against liability for damages for wrongdoing and damages may be recovered from the wrongdoer's liability insurer; then, a probate division of the circuit court shall not appoint an executor or administrator, but the court in which any such cause of action is brought shall appoint a qualified person to be known as a defendant ad litem. The attendant ad litem shall serve and act as the named party defendant in such actions in the capacity of legal representative of the deceased wrongdoer.

The defendant ad litem may be allowed a reasonable fee by the court appointing him which shall be taxed as court costs. He shall not be personally liable for court costs unless specially charged by the court for personal misconduct in the action.

Actions against executors and administrators pending on the effective date of this law shall not be affected by its provisions.

**537.300. Penalty for driving away of others' stock by drovers.**—Whenever any drover, or other person or persons engaged in driving horses, mules, cattle, hogs or sheep through any part of the state of Missouri, shall drive off or shall knowingly and willingly suffer or permit to be driven off from the premises of any citizen of said state, or from the range in which stock of any citizen usually run, to any distance exceeding three miles from such premises or range, any horses, mules, neat cattle, hogs or sheep belong to such citizen, it shall be lawful for the owner of any such stock so driven off to follow and reclaim the same wherever it may be found; and for the taking and driving away, or suffering or permitting to be driven away, of such stock, the said owner shall be entitled to recover from any said drover, or other person or persons guilty thereof, for each head of horses, mules, neat cattle, hogs or sheep so driven away, twice the value thereof, to be recovered in civil action in the circuit court of the proper county before either a circuit or associate circuit judge and such case may be heard and determined by an associate circuit judge under chapter 517 procedures without special assignment or transfer regardless of the amount of the claim; provided, however, that if the drover shall not pass any habitation where there is a sufficient enclosure for the safekeeping of such animal or animals within said three miles, and shall separate said cattle or other stock from the drove at the next habitation, in such case said action shall not accrue to the owner of said property.

**537.320. Judgment—execution.**—Whenever judgment shall be rendered against any person or persons, under the provisions of sections 537.300 to 537.320, by any associate circuit judge or circuit judge, an execution shall issue thereon against the goods and chattels of any such defendant or defendants.

**540.020. Grand jury, how convened—duties—charge.**—1. No grand jury shall be convened except upon an order of a circuit judge, but when so assembled



such grand jury shall have the power to investigate and return indictments for all grades of crimes, and hereafter, whenever the circuit judge shall deem it necessary to cause a grand jury to be convened, he shall make an order, which order shall specify the time and place said grand jury shall be convened, and shall further specify whether said grand jury shall be drawn and selected by the board of jury commissioners or selected by the sheriff, and if said order shall require that said grand jury be drawn and selected by the board of jury commissioners, the clerk of said board of jury commissioners shall cause said board of jury commissioners to be convened and said board of jury commissioners shall thereupon draw and select said grand jury and the same shall be summoned in the same manner as provided by law for the selection and summoning of petit jurors. And if the said order shall require the sheriff of said county to select said grand jury, the clerk shall issue a special venire and deliver the same to the sheriff and he shall forthwith proceed to select the same, selecting them as nearly equal from each township in said county as possible.

2. A grand jury shall be convened at the discretion of a circuit judge, to examine public buildings, and report on their conditions; to inquire into violations of the game and fish law, the election laws, the various liquor laws, and such other violations as the court may direct. The grand jury shall make careful inquiry into the failure or refusal of county and municipal officers to do their duty, as provided by law, and the court shall charge each grand jury to make inquiry into any violations by county officers of laws relating to the finances or financial administration of the county.

**540.170. Subpoenas in vacation, when issued.**—It shall be the duty of the circuit clerk to issue subpoenas for witnesses to be and appear before the grand jury of the circuit court thereafter, at the instance of the prosecuting attorney, whenever it shall be shown that such witnesses are about to absent themselves to avoid being subpoenaed before the grand jury.

**541.010. Code applicable, when and where.**—The provisions of this code applicable to circuit judges shall also be applicable to any other judges of the circuit court in all criminal cases when no other or different provision is made by law for the government and control of such judges.

**541.020 Jurisdiction of circuit courts.**—Except as otherwise provided by law, the circuit courts shall have exclusive original jurisdiction in all cases of felony, misdemeanor and infractions. Except as otherwise provided by law, circuit judges may hear and determine originally all cases of felony, misdemeanor and infractions and may hear and determine upon a trial de novo cases of misdemeanor and infractions.

**542.010. Magistrate defined.**—The term "magistrate", as used in this chapter, shall mean those officers authorized by section 542.020, to issue process to preserve the peace, unless from the context of the law it appears that the term refers to magistrates created by section 18 of article V of the Constitution in effect on and prior to January 1, 1979, in which event the term shall mean an associate circuit judge or division of the circuit court presided over by an associate circuit judge.

**542.020. Certain officers to preserve peace, issue process.**—The following officers shall have power and jurisdiction to cause to be kept all laws made for the preservation of the public peace, to issue process for the apprehension of persons charged with criminal offenses, and hold them to bail; require persons

to give security to keep the peace, and to execute the powers and duties herein conferred in relation thereto: The judges of the supreme court throughout the state; judges of the court of appeals and circuit judges within their respective districts and circuits; associate circuit judges within their respective counties; municipal judges within the limits of their respective municipalities; provided that nothing herein contained shall be so construed as to authorize municipal judges to exercise jurisdiction in prosecutions under the laws of this state, other than those instituted under sections 542.020 to 542.140 for surety to keep the peace.

**542.170. What officers may require aid of persons to disperse rioters.**—If the persons assembled, as indicated herein, shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are herein named, have power and authority to require the aid of a sufficient number of persons in arms or otherwise, and to proceed as they may deem expedient, and to repress and disperse such riotous assemblage and arrest offenders. That is to say, the duty of requiring the aid of such force and directing its employment shall devolve, in the first instance, on the mayor of the town or city in which such assemblage occurs, and if he be not present or be unable to act, then on the judge of any court of record, the sheriff, the marshal, or the coroner. In case of the absence of any of the officers mentioned in this section, the officers named after him herein shall have all the power and authority which such absentee would have had if present.

**541.015. Jurisdiction of associate circuit judges.**—Associate circuit judges may hear and determine originally, with circuit judges, coextensive with their respective counties, all cases of misdemeanor and infractions as otherwise provided by law.

**543.200. Either party may demand jury.**—After the plea of the defendant has been entered, if he plead not guilty, the defendant or prosecuting witness, or prosecuting attorney, may demand a jury; but if no jury be demanded, the case may be tried by the associate circuit judge. In the event a jury trial is requested, the associate circuit judge shall certify the case for assignment and the cause shall be assigned for a trial upon the record in the same manner as provided for civil cases in section 517.520.

**543.210. Jury—number—selection.**—If the case is thereafter tried before an associate circuit judge, the jury shall be composed of twelve persons, unless a less number shall be agreed upon, but not less than six. The selection of the jury and the practice and procedure relative to the jury in a case tried before an associate circuit judge shall be the same as in a case tried before a circuit judge except as otherwise provided herein.

**543.220. Proceedings, how governed.**—All proceedings upon the trial of misdemeanors and infractions before associate circuit judges shall be governed by the practice in criminal cases before circuit judges, so far as the same may be applicable, and in respect to which no provision is made by statute.

**543.270. Fine commuted to imprisonment, when—fine payable in installments.**—1. When any person shall be unable to pay any fine and costs assessed against him the associate circuit judge shall have power at the request of the defendant, to commute such fine and costs to imprisonment in the county jail, which shall be credited at the rate of ten dollars of such fine and costs for each day's imprisonment.

2. When a fine is assessed by an associate circuit judge, it shall be within his

discretion to provide for the payment of the fine on an installment basis under such terms and conditions as he may deem appropriate.

**546.095. Offense not cognizable before associate circuit judge—procedure.**—If, in the progress of any trial before an associate circuit judge, it shall appear that the accused ought to be put upon his trial for an offense not cognizable before an associate circuit judge, the judge shall immediately stop all further proceedings before him, and shall transfer the case to a circuit judge.

**543.290. Trial de novo—recognizance.**—1. Any person convicted before an associate circuit judge for any misdemeanor or infraction may have a trial de novo if the cause was not tried before a jury upon the record or before the judge upon the record by special assignment or transfer, if he shall file, within ten days after judgment is rendered, an application for a trial de novo stating that he is aggrieved by the verdict and judgment in the case and that application is not made for vexation or delay. Stay of execution pending perfecting of the application for trial de novo shall be granted upon the defendant's entering into a recognizance in such sum as the associate circuit judge may deem proper with good and sufficient sureties to be approved by him, conditioned that the defendant shall appear before the associate circuit judge on a day fixed within said ten-day period to perfect his application for trial de novo, but in no case shall an application for trial de novo be granted after payment by the defendant of the full penalty and costs contained in the judgment.

2. After an application for trial de novo is perfected, unless the recognizance above mentioned is also conditioned as herein required for an application for trial de novo recognizance, the person convicted shall also enter into a recognizance in such sum as the associate circuit judge shall deem proper, with good and sufficient sureties to be approved by him, conditioned that the defendant shall appear as directed by the court, and prosecute his application for trial de novo with due diligence to a decision, and obey every order, sentence and judgment, which shall be made in the premises and not depart the court without leave. The associate circuit judge taking such recognizance for an application for trial de novo shall not consider the judgment of the associate circuit judge and costs accrued therein in fixing the amount of such recognizance, but shall only require the recognizance to be sufficient to secure his attendance as directed by the court, and such application for a trial de novo shall operate as a stay of execution thereon, until trial of the case anew has been had.

3. Failure to give the recognizance shall not prevent the application for trial de novo, but the applicant shall remain in custody or be committed to jail until recognizance be given or the application for a trial de novo determined. In case the defendant shall, after he has been committed, give a bond conditioned as herein required, the same shall be approved by the sheriff, and when so approved, the defendant shall be released by the sheriff or marshal from custody.

4. An associate circuit judge may grant a stay of execution in any case and upon such conditions as in his discretion may meet the needs of justice.

**543.300. Trial de novo perfected—witnesses to enter into recognizances.**—When an application for a trial de novo is taken and perfected according to this chapter, the associate circuit judge may cause all material witnesses to enter into a recognizance, in the sum of fifty dollars each, conditioned for their appearance to testify in the cause at the term to which the appeal is returnable, and the associate circuit judge or the clerk who has custody of the case papers shall forthwith transmit the case papers in the cause or a transcript thereof

to the clerk receiving cases originally filed for hearing and determination before a circuit judge, and the cause shall thereupon be assigned for a trial de novo before a circuit or associate circuit judge in accordance with assignment procedures prescribed by local circuit court rule or as directed by the presiding judge of the circuit.

**543.310. Cause to be heard anew, when.**—The cause shall be heard anew on the merits under procedures applicable before circuit judges; and unless otherwise ordered by the court the costs of both trials shall abide the event of the trial de novo.

**543.320. Judgment—fine and costs—commitment.**—If the judgment of the associate circuit judge shall be affirmed, or, upon a trial before a circuit judge, the defendant shall be convicted and any fine assessed, judgment shall be rendered for such fine and the costs of both trials against the defendant, and execution issued thereon, commanding the officer to levy the same of the goods and chattels of the defendant, if sufficient thereof be found; but if no property of the defendant be found then to arrest the defendant and commit him to the county jail until he be discharged by due process of law.

**543.330. Trial de novo—judgment of imprisonment.**—If the judgment from which an application for trial de novo is filed be one of imprisonment and shall be affirmed upon a trial de novo the court shall direct the judgment of the associate circuit judge to be carried out, or if, upon a trial de novo, in any case in which there is a trial de novo, the punishment of the defendant shall be fixed at imprisonment, or at a fine and imprisonment, the court shall proceed to render judgment according to the finding of the court or verdict of the jury, and shall also enter up judgment against the defendant for the costs of both trials, which shall be collected as provided for in section 543.320.

**543.335. Appeal—records, how kept.**—In any case tried with a jury before an associate circuit judge or on assignment under procedures applicable before circuit judges a record shall be kept and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices. Whenever an appeal is taken in a case recorded by means other than a court reporter, the clerk of the court or division in control thereof shall forward the tape or record or whatever device used therefor to the clerk of the supreme court or to the clerk of the court of appeals wherein the appeal is lodged. The supreme court and the courts of appeals shall arrange for the written transcript of the testimony so preserved under rules and procedures promulgated by the supreme court.

**546.595. No trial de novo filed—certification by associate circuit judge, to whom—collection of fines.**—It shall be the duty of the associate circuit judge before whom any conviction may be had under this chapter, if there be no application for trial de novo or appeal, to make out and certify, and within ten days after the date of the judgment, deliver to the treasurer of the county and clerk of the county court each a statement of the case, the amount of the fine and return day of the execution, and the name of the officer charged with the collection thereof; and the county treasurer shall charge the officer with the amount of such fine, and unless the same be paid into the county treasury

on or before the return day of the execution, the county court shall, at their next term, ten days' notice being given to the officer in default and his sureties, render an account stated against them for the amount due, and twenty percent thereon, making, however, proper deductions for insolvencies; on which account stated suit may be maintained and when collected, the proceeds paid in the county treasury.

**544.575. No proceeding upon a recognizance defeated for defects.**—No proceeding upon a recognizance shall be defeated, nor shall judgment thereon be prevented or arrested, on account of any defect of form, omission of recital, condition of undertaking therein, neglect of an associate circuit judge or clerk to note or record the default of any principal or surety at the time when such default shall happen, or of any other irregularity if it be made to appear from the whole record or proceeding that the defendant was legally in custody, charged with a criminal offense, that he was discharged therefrom by reason of the giving of the recognizance, and that it can be ascertained from the recognizance that the sureties undertook that the defendant should appear before a court at the time specified.

**544.010. Magistrate defined.**—The term "magistrate", as used in this chapter, shall mean those officers authorized by section 542.020 to issue process to preserve the peace, unless from the context of the law it appears that the term refers to magistrates created by section 18 of article V of the Constitution in effect on and prior to January 1, 1979, in which event the term shall mean an associate circuit judge or a division of the circuit court presided over by an associate circuit judge.

**544.090. Warrants, where executed.**—Warrants issued by any circuit judge or any judge of the supreme court may be executed in any part of this state; and warrants issued by any other magistrate may be executed in any part of the county within which he is such officer, and not elsewhere, unless endorsed in the manner directed in section 544.100.

**544.250. Preliminary hearing, when required—release, when, what conditions.**—No prosecuting or circuit attorney in this state shall file any information charging any person or persons with any felony, until such person or persons shall first have been accorded the right of a preliminary examination before some magistrate in the county where the offense is alleged to have been committed in accordance with this chapter. And if upon such hearing the magistrate shall determine that the alleged offense is one on which the accused may be released, the magistrate may release him as provided in section 544.455 conditioned for their appearance at a time certain before a circuit judge, or associate circuit judge who is specially assigned, and thereafter as directed by the court to answer such charges as may be preferred against them, abide sentence and judgment therein, and not to depart the court without leave; provided, a preliminary examination shall in no case be required where same is waived by the person charged with the crime, or in any case where an information has been substituted for an indictment as authorized by section 545.300, RSMo.

**544.280. Trial, how conducted.**—The order of conducting the trial or hearing, with respect to the introduction of the evidence and the examination of witnesses, shall be the same as governs in the trial of criminal cases before circuit judges, as far as practicable.

**544.300. Proceedings in case of disqualification.**—If the magistrate is dis-

qualified as provided in section 544.290, he shall certify the case for assignment to the presiding judge of the circuit and the case shall be assigned in the same manner as provided for civil cases in section 517.520.

**544.455. Release of person charged, when—conditions which may be imposed.**

—1. Any person charged with a bailable offense, at his appearance before a magistrate or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the magistrate or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the magistrate or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the magistrate or judge directs;

(5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the magistrate or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental conditions, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. A magistrate or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the magistrate or judge who imposed them. The motion shall be determined promptly.

5. A magistrate or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a

condition requiring him to return to custody after specified hours, the provisions of subsection 4 shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by a magistrate.

**544.490. What courts may accept recognizance.**—Whenever any person shall be committed to jail on a warrant of commitment by any magistrate for an offense for which he may be released as provided in section 544.455, the recognizance or other condition for release may be taken by a circuit judge or an associate circuit judge who has been specially assigned for such purpose, and in case of the absence of any such judge from the county, such recognizance or condition for release may be taken by any judge of the circuit court except a municipal judge.

**545.015. Definitions.**—As used in chapter 545, unless the context clearly requires otherwise:

- (1) "Magistrate" means associate circuit judge;
- (2) "Circuit court" means a division of the circuit court presided over by a circuit judge; and
- (3) "Judge of the circuit court" means a circuit judge.

**547.100. Appeals in misdemeanor cases—procedure.**—If any person taking an appeal from the circuit court on a conviction for a misdemeanor, shall fail to perfect the appeal within six months from the time the appeal is granted, the prosecuting attorney may file his motion before the court in which the conviction was had, asking that the appeal may be dismissed and the order granting the appeal be set aside; whereupon the court shall make an order that the appeal be dismissed and the order granting the appeal be set aside and for naught held, unless the defendant shall show to the satisfaction of the court good cause for not perfecting his appeal, in which case the court may overrule the motion, and from the date of making such order dismissing the appeal, the judgment shall be and remain in force the same as if no appeal had been granted.

**548.011. Definitions.**—Where appearing in this chapter:

- (1) The term "governor" includes any person performing the functions of governor by authority of the law of this state.
- (2) The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state.
- (3) The term "state", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.
- (4) The terms "judge," "magistrate," and "judge of any court of record" include a judge of the supreme court or of the court of appeals, a circuit judge, and an associate circuit judge, but do not include a municipal judge.

**548.431. Arrest prior to requisition.**—Whenever any person within this state shall be charged on the oath of any credible person before any judge or magis-

trate of this state with the commission of any crime in any other state and, except in cases arising under section 548.061, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 548.061, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant, provided that when a complaint shall be made against any person under the terms of this chapter, the judge or magistrate shall take from the prosecutor a bond, to the clerk of the court, with sufficient security, to secure the payment of the costs and expenses which may accrue by occasion of the arrest and detention of the party charged, which bond shall be certified and returned, with the examination, to the office of the circuit clerk and when any such recognizance shall be forfeited, it shall insure to the benefit of the state.

**549.061. Judicial parole and probation, exceptions.**—The circuit courts of this state and boards of parole created to serve any court have power, as herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction; except as otherwise provided in section 195.200, RSMo, and sections 559.011 and 559.013.

**549.193. Parole, probation, suspension and stay by associate circuit judge (certain counties).**—In all counties except counties of the first class having a charter form of government and not containing all or part of a city with a population of three hundred fifty thousand or more, every associate circuit judge shall have those powers granted to a circuit judge in a county in which there is no parole board, to parole any person, or to place any person on probation, or to suspend or stay any fine or sentence, or any part thereof of imprisonment imposed on any person, on such conditions as the associate circuit judge may consider reasonable and just, but only as to persons convicted before him or in his court of a violation of the criminal laws of this state, or of a violation of any county ordinance, or of any other offense for which trial may be had before him. At any time thereafter, and during such parole, probation, suspension or stay, the associate circuit judge shall have those powers granted to a circuit judge in a county in which there is no parole board to terminate or revoke any such parole, probation, suspension, or stay, in whole or in part, but only as to a parole, probation, suspension, or stay, in whole or in part, but only as to a parole, probation, suspension, or stay adjudged by him or in his court. The associate circuit judge may delegate supervision of such persons to the state board of probation and parole.

**549.197. Parole, probation and stay by associate circuit judge (certain first**



class charter counties).—In counties of the first class having a charter form of government and not containing all or part of a city with a population of three hundred fifty thousand or more, every associate circuit judge, at the time of sentence, shall have the same power as the circuit judge in a county where there is no parole board, to parole any person or to place any person on probation or stay any fine or sentence of imprisonment imposed on any person on such conditions as the associate circuit judge may consider reasonable and just but only as to persons convicted before him or in his court of a violation of the criminal laws of this state, or of a violation of any county ordinance or of any other offense for which trial may be had before him. The supervision of such persons so placed on parole or probation shall be placed exclusively in the department of public welfare of the county and no termination, revocation or change in a parole, probation, suspension or stay of sentence shall be made except following an affirmative recommendation to that effect by the department of public welfare.

**549.218. Parole board to provide services for persons referred by associate circuit judges and operate prerelease programs—additional compensation.**—1. In addition to all other duties provided by law, the members of the state board of probation and parole shall provide parole and probation services and supervision for all persons referred to them by associate circuit judges and shall establish and operate prerelease programs for all adult state correctional institutions.

2. For the performance of the duties imposed by this section, in addition to all other compensation provided by law, each member of the state board of probation and parole shall receive the sum of two thousand dollars annually, payable in equal monthly installments in the same manner as his other compensation.

**549.245. Probation officers for courts furnished, when—presentence investigation.**—At the request of a circuit judge of any circuit court, the board shall assign one or more officers to act as probation officers for such court, and, upon similar request, the board shall make an investigation of any person convicted of a crime or offense before sentence is imposed and shall make a report of his findings to such judge.

**549.361. Office created—merit system employees—state employees' retirement system, prior service credit, how obtained.**—1. In each judicial circuit in this state located within a city having a population of six hundred thousand or more, an office of probation and parole is created to serve the circuit court. The office shall be under the direction of the state board of probation and parole.

2. The probation officers and other personnel in the office of probation and parole shall be selected pursuant to the provisions of chapter 36, RSMo; provided, however, that probation or parole officers or other personnel who were previously probation or parole officers or served the St. Louis Court of Criminal Correction shall not be required to be selected pursuant to the provisions of Chapter 36, RSMo, and shall be retained in service in the same capacity as they previously occupied with the St. Louis Court of Criminal Correction under the provisions of Chapter 36, RSMo.

3. The salaries of all parole officers and other personnel in the office of probation and parole shall be set by the state board of probation and parole and shall be paid in equal monthly installments out of the state treasury.

4. Any person who is presently employed by the city of St. Louis who be-

comes a part of state service by virtue of the Missouri board of probation and parole assuming control and operation of probation and parole service of each judicial circuit in this state located within a city having population of six hundred thousand or more shall be entitled to all benefits of the Missouri state employees' retirement system as defined in sections 104.310 to 104.550, RSMo and shall be entitled to prior service credit for service rendered the city of St. Louis probation department if he and the city of St. Louis pay into the Missouri state employees' retirement fund, within ninety days after June 10, 1968, an amount equal to any contribution paid into the St. Louis city employees' retirement system by virtue of his service rendered for the city which he received or could receive from the city as a refund as well as the contribution made by the city of St. Louis.

**549.400. Board of probation and parole established.**—1. In each judicial circuit in this state composed of a single county wherein there is located a city having not less than four hundred thousand inhabitants and not more than seven hundred thousand inhabitants, a board of probation and parole is created to be composed of the several circuit judges of the judicial circuit.

2. The circuit judges of the circuit shall by majority vote select one of their number as chairman of the board of probation and parole. The chairman and any two or more of the circuit judges may grant, revoke, alter or terminate probation and paroles as provided for by law in sections 549.058 to 549.161.

**549.440. Board of paroles established.**—There is hereby created, in each judicial circuit of this state composed of a single county of the second class, a board of paroles, to be known as such, and consisting of the circuit judges of the circuit court of the county so composing such judicial circuit. The circuit judge of that division of the circuit court to which has been assigned, for the time being the duty of trying criminal cases, shall be ex officio chairman, and the clerk of the circuit court shall be ex officio clerk of said board of paroles. Such board of paroles is hereby empowered and authorized to consider, grant, revoke, alter, or terminate paroles and to exercise all the powers herein granted and such other powers as may be provided by law.

**550.090. Prosecutor to pay costs, when.**—When the proceedings are prosecuted before any associate circuit judge, at the instance of the injured party, for the disturbance of the peace of a person, or for libel or slander, or for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, the name of such injured party shall be entered by the associate circuit judge on his record as a prosecutor; and if the defendant shall be discharged or acquitted, such prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in every other case of acquittal, if the associate circuit judge or jury trying the case shall state in the finding that the prosecution was malicious or without probable cause, the associate circuit judge shall enter judgment for costs against the prosecution or party at whose instance the information was filed, and shall issue execution therefor; but in no case shall the prosecuting attorney be liable for costs. In other cases of discharge or acquittal the costs shall be paid by the county, except when the prosecution is commenced by complaint and the prosecuting attorney declines to file information thereon, in which case the proceedings shall be dismissed at the cost of the party filing the complaint.

**550.240. Fee bill from cases before associate circuit judge.**—In all criminal cases which have been finally determined before an associate circuit judge in

which the county shall be liable for any costs incurred therein, the clerk responsible for collecting fees in cases determined by such judge shall certify a complete itemized fee bill thereof to the county court for payment, which fee bill shall be examined and audited by the prosecuting attorney and the judge. Whenever the state shall be liable under any law for costs incurred in any examination of a felony before any associate circuit judge, or in any misdemeanor case which is not finally determined before an associate circuit judge, the clerk serving such judge shall make out, certify and return to the clerk of the circuit court of the county a complete fee bill, specifying each item of service and the fee therefor, together with all the papers and docket entries in the case. The clerk of the circuit court shall thereupon make out a fee bill of all such costs which are legally chargeable against the state or county, which shall be examined by the prosecuting attorney. All such fee bills shall thereafter be proceeded with in all respects as in the case of fee bills for costs incurred in cases before circuit judges.

**550.310. Judge or other officer violating law, how punished.**—Every judge, prosecuting attorney, clerk or judge who shall knowingly violate any provision of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding one thousand dollars.

**551.150. Insolvency relief law not applicable (St. Louis).**—No person convicted in the circuit court of the city of St. Louis of a misdemeanor under the laws of this state, and sentenced to the payment of a fine, and the costs therein accrued, shall be allowed to avail himself of the provisions of any law for the relief of insolvents confined on criminal process.

**600.046. Indigent to have counsel appoint, when.**—Whenever a person charged with a felony, a misdemeanor which will probably result in confinement in the county jail upon conviction, or with a violation of probation appears before a judge without counsel, the circuit court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel the judge, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. The judge shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

**600.080. State public defender may contract with organized defender society or organization, when—defender may contract to provide services under federal criminal justice act, fees to State Treasury.**—1. In any circuit or part thereof in which defender services are being performed through an organized defender society or organization on August 13, 1972, the state public defender with the approval of the circuit court may enter into a contract with the society or organization, terminable at the will of the state public defender with the approval of a majority of the circuit judges of the circuit whereby the duties otherwise imposed upon the defender by sections 600.010 to 600.085 shall be performed by the society or organization. Upon performance of such duties the society or organization shall receive payment from the state for this purpose, provided, however, that the salary of the public defender and the number and salaries of assistants authorized by sections 600.010 to 600.085 shall be limited by the number of assistants and the amount of salaries as provided in this act, and

no state funds shall be paid to any such society or organization except as provided for in sections 600.010 to 600.085.

2. The state public defender with the approval of a majority of the circuit judges of the circuit may enter into an agreement with any federal agency of the United States to provide within a circuit, legal defense services on behalf of indigent persons entitled to representation under the Criminal Justice Act of the United States as amended, in the courts of the United States, under an appropriate plan approved by the judges of the United States District Court. In the event such a plan is approved by the United States District Court in any district, the budget director is authorized to accept fees for such defense services under the provisions of the United States Criminal Justice Act as amended and such fees shall be made payable to the state of Missouri for deposit into the state treasury.

**Section B. Schedule.**—1. This act shall become effective on January 2, 1979, except as provided otherwise in this Section B.

2. The repeal of those portions of section 483.420 providing for the election in 1978 of the clerk of the Cape Girardeau court of common pleas and of section 483.495 providing for the election in 1978 of a chief clerk of the magistrate court in each county of the state having more than one hundred twenty-five thousand and less than two hundred thousand inhabitants shall be effective ninety days after adjournment of the Second Regular Session of the 79th General Assembly, and the names of any persons nominated for such positions at the primary elections in 1978 shall not be placed on the ballots at the general election in 1978. The provisions of subdivision (2) of subsection 8 of section 484.083 shall become effective December 31, 1978.

3. In the event of the passage of an act at the Second Regular Session of the 79th General Assembly which repeals and enacts statutes contained in chapters 472, 473, 474, and 475 relating to probate matters, the provisions of this act which repeal or enact certain numbered sections within those chapters shall not be effective to the extent that such other enactment repeals or enacts the same numbered sections; provided, however, that any references to "probate court" in any such other enactment is hereby in any event defined to mean the probate division of the circuit court from and after January 2, 1979.

4. Section 483.617 shall become effective ninety days after adjournment of the Second Regular Session of the 79th General Assembly.

5. Between the period of 90 days after adjournment of the Second Regular Session of the 79th General Assembly and January 2, 1979—

(1) Municipalities may adopt ordinances and take other actions that may be needed so that the provisions for municipal judges contained in chapter 479 may become operational on January 2, 1979, should a municipality determine to make provision for a municipal judge or judges.

(2) Municipalities may make provision for and select municipal judges who shall take office on or after January 2, 1979.

(3) Courts may adopt rules which shall become effective on or after January 2, 1979.

6. In the event other legislation is adopted at the Second Regular Session of the 79th General Assembly providing for new circuit or associate circuit judgeships in particular circuits or particular counties, such new judgeships provided in other legislation shall be in addition to those judgeships provided in the provisions of chapter 478 contained within this Act.

7. In the event of passage of an act at the Second Regular Session of the 79th General Assembly which repeals and enacts statutes contained in chapter

202 relating to the care, custody and treatment of mentally ill, mentally disordered, developmentally disabled and mentally retarded persons, the provisions of this act which repeal or enact certain numbered sections within that chapter shall not be effective to the extent that such other enactment repeals or enacts the same numbered sections; provided, however, that any references to 'probate court' or 'court having probate jurisdiction' in such other enactment are hereby in any event defined to mean the probate division of the circuit court from and after January 2, 1979.

8. In the event of the passage of an act at the Second Regular Session of the 79th General Assembly which provides for an increase or decrease in the amount of compensation to be paid to an official whose salary is specified in sections contained within this act, the amount of such increased or decreased compensation provided in any such separate enactment shall be effective from and after January 2, 1979, notwithstanding the provisions of this act.

9. For the period of January 2, 1979, through June 30, 1979, certain words or terms in certain sections of the form of House Bill No. 1006 as finally enacted during the Second Regular Session of the 79th General Assembly shall have the following meanings:

(1) In section 6.050 the terminology "judges of circuit courts and courts of criminal correction" shall mean all circuit judges, ex-officio circuit judges as provided in section 481.210, commissioners of the probate divisions of the circuit courts which are authorized to be paid by the state by sections 478.266 and 478.267, and commissioners of the juvenile divisions of the circuit courts which are authorized to be paid by the state by section 211.023, but such terminology shall not include associate circuit judges, ex-officio associate circuit judges, or municipal judges.

(2) In section 6.060 the terminology "magistrate judges" shall mean all associate circuit judges and ex-officio associate circuit judges as provided in section 481.210, but such terminology shall not include circuit judges or municipal judges.

(3) In section 6.060 the terminology "magistrate clerks" shall mean clerks for those associate circuit judgeships which on January 2, 1979, replaced magistrate court judgeships.

(4) In section 6.100 the terminology "Kansas City District" shall mean Western District.

(5) In section 6.110 the terminology "St. Louis District" shall mean Eastern District.

(6) In section 6.120 the terminology "Springfield District" shall mean Southern District.

10. The repeal and reenactment of section 211.393 shall be effective on July 1, 1979.

11. The provisions of subdivision (1) of subsection 8 of section 483.083 shall become effective December 31, 1978.

Approved June 15, 1978.

[S. B. 729]

#### **COURTS: Additional judge for the Springfield District Court of Appeals.**

AN ACT relating to the court of appeals and providing for one additional judge for the Springfield district.

#### **SECTION**

1. Additional judge for southern district of court of appeals.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Additional judge for southern district of court of appeals.—**1. On July 1, 1979, the number of judges of the Springfield district of the court of appeals shall be increased by one judge.

2. The judge appointed pursuant to the provisions of this section shall be in addition to any other judges appointed to the Springfield district of the court of appeals pursuant to other provisions of law.

Approved June 12, 1978.

[S. B. 506]

**COURTS: Kansas City District Court of Appeals.**

AN ACT relating to the Kansas City district of the Missouri court of appeals.

**SECTION**

1. Additional judges for western district of court of appeals.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Additional judges for western district of court of appeals.—**1. On January 1, 1979, the Kansas City district of the Missouri court of appeals, shall be increased by three judges.

2. The judges appointed pursuant to the provisions of this section shall be in addition to any other judges appointed to the Kansas City district of the Missouri court of appeals under the provisions of any other law.

Approved June 14, 1978.

[S. B. 632]

**COURTS: Circuit court of St. Louis County.**

AN ACT to repeal sections 478.450, RSMo 1969, and 478.437, RSMo Supp. 1975, relating to the circuit court of St. Louis county, and to enact in lieu thereof two new sections relating to the same subject and increasing that court to nineteen divisions, effective January 1, 1979.

**SECTION**

1. Enacting clause.  
478.437. St. Louis County to have nineteen divisions.

**SECTION**

478.450. To make rules for numbering, assignment and transfer of cases.  
2. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.—**Sections 478.450, RSMo 1969, and 478.437, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 478.437 and 478.450, to read as follows:

**478.437. St. Louis County to have nineteen divisions.—**The circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

**478.450. To make rules for numbering, assignment and transfer of cases.—**1. The judges of that circuit court, or a majority of them, are hereby empowered to frame and enter of record in the court rules for the numbering or classification of all the cases now pending or hereafter brought therein for the proper

distribution of cases for trial and disposition among the divisions of the court and for the transfer of cases to and from each division, and may designate the division or divisions of the court to which classes of cases may be assigned for trial or disposition, which rules may in like manner be changed from time to time as may be found necessary or expeditious. Such judges, or a majority of them, may in like manner from time to time make such rules for the court as may be agreeable to the usage and principles of law.

**Section 2. Effective date.**—This act shall become effective January 1, 1979.

Approved April 25, 1978.

[S. B. 950]

**COURTS: Compensation of probate judges.**

**AN ACT** to repeal Section 481.205, RSMo Supp. 1977, relating to the compensation of probate judges and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

481.205. Compensation of probate judges.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 481.205, RSMo Supp. 1977 is repealed and one new section enacted in lieu thereof, to be known as section 481.205, to read as follows:

**481.205. Compensation of probate judges.**—Each probate judge shall receive for his services an annual compensation payable in equal monthly installments as follows:

(1) In counties having a population of thirty thousand or less, the sum of twenty-seven thousand dollars. Probate judges in such counties shall serve as ex officio magistrates, but shall receive no additional compensation for such service. The salary of such probate ex officio magistrates shall be paid out of the state treasury;

(2) In counties having a population of more than thirty thousand but less than sixty-five thousand, except in any county of the second class, the sum of twenty-seven thousand eight hundred dollars;

(3) In counties of the second class having a population of less than sixty-five thousand, the sum of thirty-two thousand eight hundred dollars;

(4) In counties having a population of sixty-five thousand or more and in the city of St. Louis, a sum equal to the salary of a judge of the circuit court in that county or city.

Approved April 25, 1978.

[S. B. 848]

**COURTS: Clerks of court in certain counties.**

**AN ACT** to repeal sections 483.285 and 483.495, RSMo Supp. 1975, relating to certain clerks of court in certain counties, and to enact in lieu thereof one new section relating to circuit clerks in certain counties, with an effective date.

## SECTION

1. Enacting clause.  
483.285. Compensation of circuit clerk (certain first class counties).

## SECTION

A. Effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 483.285 and 483.495, RSMo Supp. 1975 are repealed and one new section enacted in lieu thereof, to be known as section 483.285, to read as follows:

**483.285. Compensation of circuit clerk (certain first class counties).**—Notwithstanding the provisions of section 50.334, RSMo, each circuit clerk in counties of the first class not having a charter form of government shall receive an annual salary of sixteen thousand five hundred dollars, except that in each county of this state now or hereafter having more than one hundred fifty thousand and less than two hundred thousand inhabitants the circuit clerk shall receive an annual salary of twenty-two thousand dollars as his total compensation for all services performed by him. Twelve thousand dollars of such salary shall be paid by the state in lieu of the salary formerly paid to the chief magistrate clerk whose former duties shall be performed by such circuit clerk, and ten thousand dollars shall be paid by such county.

**Section A. Effective date.**—Provisions of this act shall become effective on December 31, 1978.

Approved April 19, 1978.

[S. B. 623]

**JURIES: Compensation of jury commissioners.**

**AN ACT** to repeal section 497.070, RSMo 1969 and section 498.080, RSMo Supp. 1975, relating to the compensation of jury commissioners in certain cities and counties, and to enact in lieu thereof two new sections relating to the same subject.

## SECTION

1. Enacting clause.  
497.070. Compensation of jury commissioner.

## SECTION

498.080. Jury commissioner — compensation—accommodations.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 497.070, RSMo 1969 and section 498.080, RSMo Supp. 1975 are repealed and two new sections enacted in lieu thereof, to be known as sections 497.070 and 498.080, to read as follows:

**497.070. Compensation of jury commissioner.**—The jury commissioner shall receive a salary which shall be determined by the Jackson county board of jury commissioners but shall not be less than fifteen thousand dollars per year, payable in equal monthly installments at the end of each month. The salary shall be paid by the county in which the judicial circuit is located.

**498.080. Jury commissioner—compensation—accommodations.**—1. The jury commissioner shall receive a salary of twenty thousand dollars per annum, payable in equal installments at the end of each month or more often by the treasurer of the city, out of money appropriated therefor by the municipal assembly, pursuant to the city charter.

2. The municipal assembly shall appropriate the money necessary for the



payment of such salary, as other salaries of city officers are provided for. The municipal assembly of the city shall also provide the jury commissioner with suitable accommodations and with stationery, books, furniture and other equipment needed for the proper discharge of his duties.

Approved May 31, 1978.

[S. B. 622]

**JURIES: Compensation of deputies of jury commissioners.**

AN ACT to repeal section 498.100, RSMo Supp. 1975 relating to the compensation of deputies of jury commissioners in cities with more than five hundred thousand inhabitants, and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

498.100. Deputies—compensation, how determined and paid.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 498.100, RSMo Supp. 1975, is repealed and one new section enacted in lieu thereof, to be known as section 498.100, to read as follows:

**498.100. Deputies—compensation, how determined and paid.**—1. Until April 30, 1979, each of the deputies who is regularly employed throughout the year shall receive for his services a salary not to exceed nine thousand three hundred dollars per annum, except that the chief deputy shall receive a salary of not to exceed eleven thousand seven hundred seventy dollars per annum; and each deputy employed for temporary purposes shall receive for his services a salary of twenty dollars for each day he is actually employed in performing his duties as such. The salary shall be provided for and paid monthly or more often in the manner provided for the payment of the salary of the jury commissioner.

2. The proper officer shall not audit or certify any claim for salary in favor of any deputy except upon certification of the jury commissioner that the services for which the claim is made were in fact rendered by the deputy pursuant to the order of the jury commissioner and were necessary for the discharge of his duties.

3. The salaries authorized by this section are subject to the approval of the board of estimate and apportionment, upon recommendation of the circuit court judges meeting en banc.

4. Beginning April 30, 1979, each employee who is regularly employed throughout the year shall receive job classifications and salaries comparable to employees in similar positions under the merit system of the city. Subsequent increases in salary shall be determined and paid in the same manner as for other employees in similar positions under such merit system.

Approved April 25, 1978.

[S. B. 665]

**CIVIL PROCEDURE AND LIMITATIONS: Statutes of limitations on foreclosure of mortgages and deeds of trust.**

AN ACT to amend chapter 516, RSMo, relating to statutes of limitations on foreclosure of mortgages and deeds of trust, by inserting therein one new section relating to the same subject.

SECTION

1. Enacting clause.

SECTION

- 516.155. Date last maturing obligation is due, how determined.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Chapter 516, RSMo, is amended by inserting therein one new section to be known as section 516.155, and to read as follows:

**516.155. Date last maturing obligation is due, how determined.**—Whenever under the provisions of section 516.150 "the date at which the last maturing obligation secured by the instrument sought to be foreclosed is due on the face of such instrument" cannot be determined from the face of such instrument, the twenty year period referred to in section 516.150 shall begin to run on the recited date of execution of such instrument, or if there is no recited date, the date of acknowledgment of such instrument, or if there is neither a recited date of execution nor a date of acknowledgment, the date of recording of such instrument, or if there is none of the above, the original date of the secured obligation: provided, however, that the provisions of this section shall apply only to deeds of trust and mortgages recorded after January 1, 1979.

Approved June 13, 1978.

[S. B. 721]

**STATUTORY ACTIONS AND TORTS: Fiscal note estimating cost of certain administrative rules.**

**AN ACT** relating to a fiscal note estimating the cost of certain administrative rules.

SECTION

1. Fiscal notes for proposed rules affecting public funds, required, when, where filed, contents—publication—effect of failure to publish—first year evaluation, publication.

SECTION

2. Fiscal notes for proposed rules affecting private persons or entities, required, when, where filed, contents—publication—effect of failure to publish—first year evaluation, publication.
3. Fiscal note forms.
4. Revised fiscal notes required, when—rejection, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Fiscal notes for proposed rules affecting public funds, required, when, where filed, contents—publication—effect of failure to publish—first year evaluation, publication.**—1. Any state agency filing a notice of proposed rule-making, as required by section 536.021, RSMo, wherein the adoption, amendment, or rescission of the rule would require or result in an expenditure of public funds by or a reduction of public revenues for that agency or any other state agency of the state government or any political subdivision thereof including counties, cities, towns, and villages, and schools, road, drainage, sewer, water, levee, or any other special purpose district which is estimated to cost more than five hundred dollars in the aggregate to any category of the above, shall at the time of filing the notice with the secretary of state file a fiscal note estimating the cost to each affected agency or to each class of the various political subdivisions to be affected. The fiscal note shall contain a detailed estimated cost of compliance and shall be supported with an affidavit by the director of the department to which the agency belongs that in his or her opinion the estimate is reasonably accurate.

2. In the event that at the end of the first full fiscal year of implementation

of the rule, amendment, or rescission the cost, in the aggregate, has exceeded by ten percent or more the estimated cost in the fiscal note, with cost to be determined by the adopting agency, the original estimated cost together with the actual cost during the first fiscal year shall be published by the adopting agency in the Missouri register within ninety days after the close of the fiscal year and if the adopting agency fails to publish same, if required by this section, the rule, amendment, or rescission shall immediately be void and of no further force or effect.

3. The estimated cost in the aggregate shall be published in the Missouri register contemporary with and adjacent to the notice of proposed rulemaking, and failure to do so shall render any rule promulgated thereunder void and of no force or effect.

**Section 2. Fiscal notes for proposed rules affecting private persons or entities, required, when, where filed, contents—publication—effect of failure to publish—first year evaluation, publication.—1.** Any state agency filing a notice of proposed rulemaking, as required by section 536.021, RSMo, whereby the adoption, amendment, or rescission of the rule would require an expenditure of money by or a reduction in income for any person, firm, corporation, association, partnership, proprietorship or business entity of any kind or character which is estimated to cost more than five hundred dollars in the aggregate, shall at the time of filing the notice with the secretary of state file a fiscal note containing the following information and estimates of cost:

(1) An estimate of the number of persons, firms, corporations, associations, partnerships, proprietorships or business entities of any kind or character by class which would likely be affected by the adoption of the proposed rule, amendment or rescission of a rule;

(2) A classification by types of the business entities in such manner as to give reasonable notice of the number and kind of businesses which would likely be affected;

(3) An estimate in the aggregate as to the cost of compliance with the rule, amendment or rescission of a rule by the affected persons, firms, corporations, associations, partnerships, proprietorships or business entities of any kind or character.

2. The fiscal note shall be published in the Missouri register contemporary with and adjacent to the notice of proposed rulemaking, and failure to do so shall render any rule promulgated thereunder void and of no force and effect.

**Section 3. Fiscal note forms.—**The secretary of state shall establish a form which each state agency shall use in compiling the fiscal note and affidavit required by Sections 1, 2 and 4 hereof, and failure of the agency to use said forms shall result in rejection by the secretary of state.

**Section 4. Revised fiscal notes required, when—rejection, when.—**If before the effective date, such rule, amendment or rescission is altered to the extent that the cost or reduction in income is changed by more than ten percent then a new fiscal note and affidavit shall be filed with the order of rulemaking and the new estimated cost shall be published in the Missouri register.

Approved April 19, 1978.

[C. C. S. S. S. C. S. H. S. H. B. 1650]

**STATUTORY ACTIONS AND TORTS:** Claims against the state and its political subdivisions.

AN ACT relating to asserting claims against the state and its political subdivisions for tortious conduct.

SECTION

1. Sovereign immunity in effect—exceptions—waiver of.
2. Liability insurance for tort claims may be purchased, by whom—limitations on waiver of immunity—apportionment of settlement.
3. Political subdivisions may jointly create entity to provide liability insurance.
4. Procedure to form insurance entity.

SECTION

5. Director of insurance to approve articles and issue license.
6. Entity to be treated as corporation—not to produce profit.
7. Director of insurance to examine—renewal license fee—amendments to articles.
8. Director of insurance may take charge of entity, when.
9. Premium tax not required.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Sovereign immunity in effect—exceptions—waiver of.**—Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff established that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

**Section 2. Liability insurance for tort claims may be purchased, by whom—limitations on waiver of immunity—apportionment of settlement.**—1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed eight hundred thousand dollars for all claims arising out of a single occurrence and shall not exceed one hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workmen's compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in such amount and for such purposes provided in any self insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of this act shall not exceed eight hundred thousand dollars for all claims arising out of a single accident or occurrence and shall not exceed one hundred thousand dollars for any one person in a single accident or occurrence, except

for those claims governed by the provisions of the Missouri workmen's compensation law, chapter 287, RSMo.

3. No award for damages on any claim against a public entity within the scope of this act shall include punitive or exemplary damages.

4. If the amount awarded to or settled upon multiple claimants exceeds eight hundred thousand dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence, but the share shall not exceed one hundred thousand dollars.

**Section 3. Political subdivisions may jointly create entity to provide liability insurance.**—Notwithstanding any direct or implied prohibitions in chapters 375, 377 or 379, RSMo, any three or more political subdivisions of this state may form a business entity for the purpose of providing liability insurance for any of the subdivisions upon the assessment plan as provided in this act. Any political subdivision may join this entity and use public funds to pay any necessary assessments.

**Section 4. Procedure to form insurance entity.**—1. Any group of subdivisions desiring to provide liability insurance for its members shall pay a license fee of one hundred dollars and file articles of association with the director of insurance. The articles shall be filed in accordance with the provisions of sections 375.201 to 375.236, RSMo. The articles shall include the names of the political subdivisions initially associated, the method by which other subdivisions may be admitted to the association as members, the purposes for which organized, the amount of the initial assessment which is to be paid into the association, the method of assessment thereafter and the maximum amount of any assessment which the association may make against any member. The articles of association shall provide for bylaws and for the amendment of the bylaws and the articles of association.

2. Each association shall designate and maintain a registered agent within this state. Service upon the agent is service upon the association and each of its members.

3. The articles of association shall be accompanied by a copy of the initial bylaws of the association. The bylaws shall provide for a governing body for the association, a manner of election thereof, the manner in which assessments will be made, the specific kinds of insurance or indemnification which will be offered, the classes of membership which will be offered, and may provide that assessments of various amounts for particular classes of membership may be made. All assessments shall be uniform within classes. The bylaws may provide for the transfer of risks to other insurance companies or for reinsurance.

**Section 5. Director of insurance to approve articles and issue license.**—The director of insurance shall, within thirty days after the articles of association are filed with him, determine if the proposed association meets the requirements of this act. If it does, he shall issue a license to the association authorizing it to do business for a one-year period.

**Section 6. Entity to be treated as corporation—not to produce profit.**—The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his mem-

bership in the association other than his assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association.

**Section 7. Director of insurance to examine—renewal license fee—amendments to articles.**—1. The director of insurance shall be authorized in accordance with sections 375.171 and 375.173, RSMo, to examine into the affairs of any association organized under the provisions of sections 3 to 9 of this act and may, in accordance with section 375.426, RSMo, make such rules and regulations as may be necessary for the execution of the functions vested in him. Annually thereafter, within thirty days before the expiration of its license, each association shall pay a renewal license fee of one hundred dollars and shall file a statement with the director of insurance giving a report of its activities for the preceding year.

2. Any existing association shall also, at the time it files for renewal of its license, file any amendments to its articles of association or bylaws which have been adopted in the preceding year.

**Section 8. Director of insurance may take charge of entity, when.**—If at any time any association fails or refuses to pay any claim finally adjudged to be due pursuant to the provisions of its articles of association and bylaws, or if the director of insurance determines that the association is unable to satisfy its contractual obligations, he shall immediately take charge of the association, its assets and affairs, and wind up same as now provided by law in the case of life insurance companies.

**Section 9. Premium tax not required.**—No association organized pursuant to the provisions of sections 3 to 9 of this act shall be required to pay any premium tax in connection with the conduct of its business.

Approved June 8, 1978.

[S. B. 792]

#### **CRIMINAL PROCEDURE: Sheriff's costs when extradition is waived.**

AN ACT to repeal section 548.243, RSMo., 1969, relating to payment of sheriff's costs when extradition is waived, and to enact in lieu thereof one new section relating to the same subject.

#### **SECTION**

1. Enacting clause.

#### **SECTION**

548.243. Sheriff's costs when extradition waived, how paid.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 548.243, RSMo., 1969, is repealed and one new section enacted in lieu thereof to be known as section 548.243, to read as follows:

**548.243. Sheriff's costs when extradition waived, how paid.**—In any criminal proceeding wherein a court in this state has issued a warrant for the arrest of a person and that person was arrested in any other state, territory, or possession of the United States and that person waives extradition and consents to return to this state, all necessary expenses, which would be paid by the state if there had been extradition, incurred by the sheriff or his deputy in returning

the person shall be paid to the sheriff by the state regardless of the ultimate disposition of the criminal proceedings, or if waiver of extradition is for the return of the person on charges arising out of alleged violations of section 559.356, RSMo., then payment, regardless of ultimate disposition, shall be made by the county. Such costs after such payment shall be taxed against the person and recovered by the entity paying the same, unless the person is acquitted of the criminal offense charged.

Approved June 7, 1978.

[Revision S. B. 749]

**CRIMES AND PUNISHMENT: Drinking intoxicants in certain public places and public drunkenness.**

AN ACT to repeal section 562.260, RSMo 1969, relating to drinking intoxicants in certain public places and to public drunkenness, and to enact in lieu thereof four new sections relating to the same subject and abolishing the crime of public drunkenness and providing procedures for the treatment of intoxicated persons.

**SECTION**

1. Enacting clause.  
562.260. Drunkenness or drinking in certain place prohibited—violation a misdemeanor.  
67.305. Counties or cities not to arrest or punish for public intoxication.

**SECTION**

- 67.310. Exceptions to freedom from arrest or punishment involving drunkenness or being under influence of alcohol.  
67.315. Intoxicated persons, how handled—officer granted immunity from legal action, when.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 562.260, RSMo 1969 is repealed and four new sections enacted in lieu thereof, to be known as sections 562.260, 67.305, 67.310 and 67.315, to read as follows:

**562.260. Drunkenness or drinking in certain places prohibited—violation a misdemeanor.**—It shall be unlawful for any person in this state to enter any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in a drunken or intoxicated and disorderly condition, or to drink or offer to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse within this state and any person or persons so doing shall be guilty of a misdemeanor.

**67.305. Counties or cities not to arrest or punish for public intoxication.**—No county or municipality, except as provided in section 67.310, may adopt or enforce a law, rule or ordinance which authorizes or requires arrest or punishment for public intoxication or being a common or habitual drunkard or alcoholic. No county or municipality may interpret or apply any law or ordinance to circumvent the provisions of this section.

**67.310. Exceptions to freedom from arrest or punishment involving drunkenness or being under influence of alcohol.**—Nothing in section 67.305 shall be construed to affect any law, rule or ordinance against drunken driving, driving under the influence of alcohol or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, firearms or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages at stated times and places or by a particular class of persons, nor shall section 67.305 prevent the apprehension, arrest, incarceration and prosecution of any

person who commits any other crime while intoxicated or under the influence of alcohol.

**67.315. Intoxicated persons, how handled—officer granted immunity from legal action, when.—1.** A person who appears to be incapacitated or intoxicated may be taken by a peace officer to the person's residence, to any available treatment service, or to any other appropriate local facility, which may if necessary include a jail, for custody not to exceed twelve hours.

2. Any officer detaining such person shall be immune from prosecution for false arrest and shall not be responsible in damages for taking action pursuant to subsection 1 above if the officer has reasonable grounds to believe the person is incapacitated or intoxicated by alcohol and he does not use unreasonable excessive force to detain such person.

3. Such immunity from prosecution includes the taking of reasonable action to protect himself or herself from harm by the intoxicated or incapacitated person.

Approved May 3, 1978.

[H. B. 1043]

**CRIMES AND PUNISHMENT:** Allows certain second class counties to exempt themselves from the Sunday Sales Law.

AN ACT allowing certain second class counties to exempt themselves from the application of the Sunday sales law.

#### SECTION

1. Additional counties may be exempted from provisions of 578.100—procedure.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Additional counties may be exempted from provisions of 578.100—procedure.**—If any county of the first class having a charter form of government containing the major portion of a city of over four hundred fifty thousand inhabitants exempts itself from the application of section 563.721, RSMo, by a vote of the voters of the county pursuant to provisions of law permitting such vote, then a county in the following classifications may also exempt itself from the application of section 563.721, RSMo:

(1) Any county of the second class as of 1977 that is adjacent to any county containing a portion of a city with a population of more than four hundred thousand inhabitants in the 1970 census.

The county may exempt itself from the provisions of 563.721, RSMo, by submission of the proposition to the voters of the county at a general election or a primary election, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of section 563.721, RSMo, shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to the following language:

To exempt ..... county from the  
Sunday sales law.

☐ Yes ☐ No.



If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of section 563.721, RSMo, shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of section 563.721, RSMo, shall continue to apply and be enforced within that county. The exemption of any county from the provisions of section 563.721, RSMo, shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of section 563.721, RSMo, in the Missouri revised statutes.

Approved April 25, 1978.

[H. C. S. H. B. 379 and 899]

**SELECTION AND TRAINING OF PEACE OFFICERS: Establishment of Missouri minimum police standards.**

AN ACT relating to the establishment of Missouri minimum police standards, and to provide a source of revenue to be used to implement these standards with effective dates.

**SECTION**

1. Definitions.
2. Certain mandatory standards authorized, limitations—variances authorized.
3. Certification required, when—effect of failure to comply—penalty.
4. Employer's duties.
5. Director to approve programs and schools—may make rules and regulations.
6. Training materials may be provided by director.

**SECTION**

7. Not applicable to elected peace officers—certification not to be admitted as evidence.
8. Powers of director.
9. Court costs may be increased, amount, how, exceptions—where deposited—use of such funds.
10. Highway Patrol Academy Fund created—use of funds therein.
11. Applicability of sections 1 to 10.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Definitions.**—Definitions. As used in this act, the following terms mean:

- (1) "Director", the director of the department of public safety;
- (2) "Peace Officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state who regularly work more than thirty-two (32) hours a week.

**Section 2. Certain mandatory standards authorized, limitations—variances authorized.**—1. A program of mandatory standards for the selection and training of peace officers in this state is hereby established. The director shall establish the minimum number of hours of police training and the curriculum. The director may set different lengths for programs for peace officers from different jurisdictions, based on the population of such jurisdictions. In no event, however, shall the director require more than one thousand hours of such training for peace officers employed by any state law enforcement agency; more than six hundred hours of such training for peace officers whose agencies are located in any county of the first class having a charter form of government or in any city, not within a county, or more than one hundred twenty hours of such training for any other peace officers.

2. All peace officers, departments and agencies within this state may adopt standards which are higher than the minimum standards implemented pursuant to this act and such minimum standards shall in no way be deemed sufficient or adequate in those cases where higher standards have been adopted or proposed.

**Section 3. Certification required, when—effect of failure to comply—penalty.**

—1. Effective January 1, 1979, no person shall be employed or appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as a peace officer as provided in this act. Any person who is employed or appointed as a peace officer after December 31, 1978, shall be employed or appointed on a temporary and probationary basis, and the hiring agency shall, within one year after the employee has assumed his office, take all necessary steps to qualify the employee for certification by the director. Unless the officer is certified within the one year period after employment or appointment, or unless the extension of his temporary employment or appointment is approved by specific order of the director, his employment or appointment shall be terminated and he shall not be eligible for employment or appointment by any other law enforcement agency as a peace officer, unless he is immediately enrolled in an approved training program.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any new officer not later than thirty days after the date of the appointment.

3. Any person who willfully violates any of the provisions of this section is guilty of an infraction, and upon conviction, shall be punished as provided by law.

**Section 4. Employer's duties.**—1. All employers of peace officers having candidates for certification as peace officers after December 31, 1978, upon appointment of such officers shall determine to their satisfaction the candidate's good moral character, and physical condition and educational qualifications appropriate to the position filled. Within one year from date of probationary appointment, the employer shall furnish to the director evidence that the candidate has satisfactorily completed instruction in a course of basic training for peace officers in a school, academy, or program approved and accredited by the director or had prior training and experience equivalent to that required under the provisions of this act.

2. Training specified in this act is recommended but not required of a peace officer employed or appointed before December 31, 1978, whether or not any such officer changes his place of employment.

**Section 5. Director to approve programs and schools—may make rules and regulations.**—The director shall approve and accredit such schools, academies, and training programs and instructors, to provide satisfactory preparation of students to perform the duties of peace officers. The determination shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curricula, the educational equipment and materials used in the training of candidates and the results of such training programs as measured by the director. The director shall adopt and publish regulations pertaining to the establishment of minimum standards for certification in accordance with this section and section 2.

**Section 6. Training materials may be provided by director.**—The director may:

(1) Publish and distribute to all Missouri law enforcement agencies bulletins, pamphlets, and educational materials relating to training of law enforcement personnel;

(2) Provide seminars, in-service training and supervisory training to ensure that officers of all ranks, both appointed and elected may be offered training in current enforcement and related subjects on a voluntary enrollment basis;

(3) Consult with and cooperate with any law enforcement agency or division of the state government or the federal government for the development of training programs for the fulfillment of specific needs in law enforcement;

(4) Encourage the further professionalization of police through training and education.

**Section 7. Not applicable to elected peace officers—certification not to be admitted as evidence.**—No elected peace officer or official shall be required to be certified under this act to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of this act. Evidence on the question cannot be received in any civil or criminal case.

**Section 8. Powers of director.**—The director or any of his designated representatives may:

(1) Visit and inspect any certified law enforcement training school within the state for the purpose of determining whether or not the minimum standards established pursuant to this act are being complied with, and may issue or revoke certificates indicating such compliance;

(2) Issue and revoke certificates for instructors to participate in law enforcement training under the provisions of this act, and

(3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of this act.

**Section 9. Court costs may be increased, amount, how, exceptions—where deposited—use of such funds.**—1. A fee of up to two dollars may be assessed as costs in each court proceeding filed in any court in the state for violations of the general criminal laws of the state, including infractions, or violations of county or municipal ordinances, provided that no such fee shall be collected for non-moving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court. For violations of the general criminal laws of the state or county ordinances, no such fee shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such fee shall be collected unless it is authorized by the municipal government where the violation occurred. Such fees shall be collected by the official of each respective court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances and to the treasurer of the municipality where the violation occurred in the case of violations of municipal ordinances.

2. Each county and municipality may use funds received under this section only to pay for the training required as provided in this act, provided that

any excess funds not needed to pay for such training may be used to pay for additional training for peace officers or for training for other law enforcement officers employed or appointed by the county or municipality.

**Section 10. Highway Patrol Academy Fund created—use of funds therein.**—All monies received by the Missouri state highway patrol for the training of peace officers who are not members of the state highway patrol shall be deposited in the state treasury to the credit of the "Highway Patrol Academy Fund" which is hereby created. Subject to Section 33.080 RSMo, balances from this fund shall be made available for the repair, maintenance, operation, and personal services required to operate the patrol academy and for no other purpose.

**Section 11. Applicability of sections 1 to 10.**—The provisions of this act shall not apply to a political subdivision or a municipality having a population of less than two thousand persons or which does not have at least four full-time non-elected paid peace officers; provided however, the governing body of the political subdivision or municipality may by order or ordinance elect to come under the provisions of the act or such election may be later rescinded and; provided further that upon election to come under the provisions of this act the political subdivision or municipality shall be entitled to the fees authorized under this act, otherwise such fees shall not be collected as a part of defendant's costs.

Approved May 30, 1978.

[H. B. 880]

**SELECTION AND TRAINING OF PEACE OFFICERS: Mandatory training for newly elected sheriffs and sheriffs-elect.**

**AN ACT** relating to a mandatory training program for newly elected sheriffs and sheriffs-elect, with a penalty provision.

**SECTION**

1. Superintendent to develop training program for sheriffs.
2. Length, content.

**SECTION**

3. Attendance required—time of attendance.
4. Compensation and expenses.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Superintendent to develop training program for sheriffs.**—The superintendent of the Missouri state highway patrol shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

**Section 2. Length, content.**—The training program shall consist of at least one hundred twenty hours but not more than one hundred thirty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.

**Section 3. Attendance required—time of attendance.**—Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within six months of said election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to this act or some other comparable training program of not

less than one hundred twenty hours instruction approved by the director of the the department of public safety.

**Section 4. Compensation and expenses.**—Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected; compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.

Approved May 30, 1978.

[H. B. 1375]

**CONDUCT OF PUBLIC BUSINESS:** Public defenders and appointed counsel to represent indigent defendants.

AN ACT to repeal section 600.030, RSMo Supp. 1975, and sections 600.035, 600.100, 600.125 and 600.160, RSMo Supp. 1976, relating to public defenders and appointed counsel to represent indigent defendants, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

**SECTION**

1. Enacting clause.
- 600.030. Compensation.
- 600.035. Assistant public defenders—special assistant public defenders—compensation—qualifications.

**SECTION**

- 600.100. Finding of ability to pay after final determination of care, effect of—payment, how made.
- 600.125. What items to be included in costs.
- 600.160. Limit on expenditures.
2. Effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

**Section 1. Enacting clause.**—Section 600.030, RSMo Supp. 1975, and sections 600.035, 600.100, 600.125 and 600.160, RSMo Supp. 1976 are repealed and five new sections enacted in lieu thereof, to be known as sections 600.030, 600.035, 600.100, 600.125 and 600.160, to read as follows:

**600.030. Compensation.**—In circuits which have a population of five hundred thousand or more, the circuit public defender shall receive an annual salary of twenty-nine thousand five hundred dollars payable monthly at the end of each month from the state treasury. In all other circuits which have a circuit public defender, he shall receive an annual salary of twenty-four thousand dollars, payable monthly at the end of each month from the state treasury.

**600.035. Assistant public defenders—special assistant public defenders—compensation—qualifications.**—1. In any circuit located wholly within a city which is not within a county, the circuit public defender may appoint not more than twenty-one assistant public defenders to assist him in his duties. In circuits containing all or a major part of a city having a population of four hundred and fifty thousand but not more than six hundred thousand persons, the circuit public defender may appoint not more than fifteen assistant public defenders. In all other circuits having a population of five hundred thousand or more and which have no cities within the county with a population of more than four hundred thousand persons, the circuit public defender may appoint not more than eleven assistant defenders. In all other circuits which have a circuit public defender, he may appoint not more than three assistant defenders. The public defender in any circuit which has a public defender office may

employ special assistant public defenders for such periods or purposes as the defender may determine.

2. In any circuit located wholly within a city which is not within a county, the public defender may appoint:

(1) Two assistant public defenders at a salary not to exceed twenty-three thousand dollars per year;

(2) Four assistant public defenders at a salary not to exceed eighteen thousand five hundred dollars per year;

(3) All additional assistant public defenders shall each be paid a salary of not less than ten thousand dollars nor more than seventeen thousand five hundred dollars per year.

3. In all other circuits containing all or a major part of a city having a population of four hundred and fifty thousand but not more than six hundred thousand, the public defender may appoint:

(1) Two assistant public defenders at a salary not to exceed twenty-three thousand dollars per year;

(2) Four assistant public defenders at a salary not to exceed eighteen thousand five hundred dollars per year;

(3) All additional public defenders shall each be paid a salary of not less than ten thousand dollars nor more than seventeen thousand five hundred dollars per year.

4. In all other circuits having a population of five hundred thousand or more and which have no cities with a population of more than four hundred thousand persons the public defender may appoint:

(1) Two assistant public defenders at a salary not to exceed twenty-three thousand dollars per year;

(2) Three assistant public defenders at a salary not to exceed eighteen thousand five hundred dollars per year;

(3) All additional assistant public defenders shall be paid a salary of not less than ten thousand nor more than seventeen thousand five hundred dollars per year.

5. In all other circuits having a public defender, the public defender may appoint not more than three assistant defenders at a salary not to exceed ten thousand dollars per year; or the public defender may appoint one full time assistant defender at a salary not to exceed seventeen thousand five hundred dollars per year and not more than two assistant defenders at a salary not to exceed ten thousand dollars per year.

6. The number of assistant circuit public defenders to be appointed shall be subject to the approval of the judge or judges of the circuit court, and if there are more than two such judges a majority must approve each number.

7. The public defender in each circuit shall fix the salary of his assistant public defenders subject to the approval of the circuit court, but such salaries shall not exceed the amounts provided in this section. The salary of each assistant public defender shall be payable monthly at the end of each month from the state treasury.

8. Each assistant public defender shall be licensed to practice as an attorney in this state. Any assistant public defender may act for the defender in all official matters. While serving as assistant public defender, he shall devote his full time to the office and shall not otherwise engage in the practice of law or do a law business, except in circuits of less than five hundred thousand, such assistants may engage in the private practice of civil law, if the annual salary does not exceed ten thousand dollars.

9. Each assistant public defender and other personnel employed by the defender shall hold office at the pleasure of the public defender appointing him to the office.

**600.100. Finding of ability to pay after final determination of care, effect of—payment, how made.**—In any case in which a defendant is furnished representation by a public defender or appointed counsel, upon conclusion of the criminal proceedings by final judgment or sentence by the court, the court shall, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of the representation, including reimbursement for services of counsel at a rate not to exceed twenty dollars per hour for out of court services and thirty dollars per hour for in court services. At such a hearing, the defendant shall be entitled to have, but shall not be limited to, the opportunity to be heard in person, to present witnesses and other documentary evidence, and to confront and cross-examine adverse witnesses, disclosure of the evidence against him, and a written statement of the findings of the court in cases where the defendant is required to make reimbursement. If the court determines that the defendant has the present ability to pay all or part of the cost of representation, the court shall order him to pay the sum to the clerk of the court in any installments and manner which the court believes reasonable and compatible with the defendant's financial ability.

**600.125. What items to be included in costs.**—Costs recoverable under section 600.100 shall be limited to expenses specially incurred by the state in defending the defendant. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of the law.

**600.160. Limit on expenditures.**—Under no circumstances may the expenditures from general revenue for the purposes provided in section 600.010 to 600.160 exceed the amount, three million five hundred thousand dollars, if and when appropriated by the general assembly for such purposes.

**Section 2. Effective date.**—This act shall become effective July 1, 1979.

Approved June 12, 1978.

[H. B. 882]

**CONDUCT OF PUBLIC BUSINESS: Governmental bodies and records.**

AN ACT to repeal section 610.010, RSMo Supp. 1977, relating to definitions pertaining to governmental bodies and records and to enact in lieu thereof one new section relating to the same subject.

**SECTION**

1. Enacting clause.

**SECTION**

610.010. Definitions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Section 610.010, RSMo Supp. 1977, is repealed and one new section enacted in lieu thereof, to be known as section 610.010, to read as follows:

**610.010. Definitions.**—As used in sections 610.010 to 610.030 and 610.100 to 610.115, unless the context otherwise indicates, the following terms mean:

(1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;

(2) "Public governmental body", any constitutional or statutory governmental entity, including any state body, agency, board, bureau, commission, committee, department, division, or any political subdivision of the state, of any county or of any municipal government, school district or special purpose district, any other governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power, any committee appointed under the direction or authority of any of the above named entities and which is authorized to report to any of the above named entities, and any quasi-public governmental body. The term "quasi-public governmental body" means any corporation organized or authorized to do business in this state under the provisions of chapters 352, 353, or 355 RSMo, which performs a public function, and which has as its primary purpose to enter into contracts with public governmental bodies, or engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; except urban redevelopment corporations organized or authorized to do business under the provisions of Chapter 353, RSMo, which are privately owned, operated for profit, and do not expend public funds.

(3) "Public meeting", any meeting, formal or informal, regular or special, of any public governmental body, at which any public business is discussed, decided or public policy formulated;

(4) "Public record", any record retained by or of any public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(5) "Public vote", any vote cast at any public meeting of any public governmental body.

Approved April 19, 1978.

[Revision S. B. 739]

#### **CODES AND STANDARDS: Mobile homes, recreational vehicles and modular units.**

AN ACT to repeal sections 700.010, 700.015, 700.020, 700.025, 700.030, 700.035, 700.040, 700.045, 700.050, 700.055, 700.060, 700.065, 700.070, 700.075, 700.080 and 700.085, RSMo Supp. 1975 and RSMo Supp. 1976, and sections 700.021, 700.056, 700.076, 700.090, 700.100, 700.110 and 700.115, RSMo Supp. 1976, relating to mobile homes, recreational vehicles and modular units and regulating their manufacture, sale and the facilities provided for them, with penalty provisions, and to enact in lieu thereof twenty-one new sections relating to the same subject.

#### **SECTION**

1. Enacting clause.
- 700.010. Definitions.
- 700.015. Code compliance required, when—seal required — exemptions from code.
- 700.021. Seals issued to persons, when—manufacturer to certify unit meets code.
- 700.025. Alteration of unit with seal, prohibited when.

#### **SECTION**

- 700.030. Reciprocal recognition of seals, when.
- 700.035. Unit bearing seal not required to comply with certain other codes.
- 700.040. Duties and powers of commission.
- 700.045. Certain acts declared misdemeanors.
- 700.050. Issuance of seals to manufacturer suspended, when—removal of attached seal, when.



## SECTION

- 700.055. Serial numbers required when, form.  
 700.056. Dealer to provide buyer certain information.  
 700.060. Units covered by sections 700.060 to 700.115.  
 700.065. Mobile homes to be anchored.  
 700.070. Purchaser to secure mobile homes, when.  
 700.076. Owner to secure mobile home, how, when—commission may promulgate rules—insurers to insure, when, must pay, when—suit against persons anchoring or tying down mobile home, damages, equitable relief.  
 700.080. Letter of approval required for tiedown systems—display and copy requirements.  
 700.085. Certain units exempt for sections 700.060 to 700.085.

## SECTION

- 700.090. Manufacturers and dealers to register—commission to issue certificate, when—registration to be renewed, when, fee—renewals to be staggered.  
 700.100. Refusal to renew, grounds, notification to applicant, contents—complaints may be considered.  
 700.110. Converting mobile home to real estate, procedure—notification to county assessor, duties of assessor—assessment as real property prohibits other classification by political subdivisions for certain purposes.  
 700.115. Violation of sections 700.010 to 700.115 constitute violation of 407.020, RSMo—Attorney General may ask court to revoke registration certificate.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. Enacting clause.**—Sections 700.010, 700.015, 700.020, 700.025, 700.030, 700.035, 700.040, 700.045, 700.050, 700.055, 700.060, 700.065, 700.070, 700.075, 700.080 and 700.085, RSMo Supp. 1975 and RSMo Supp. 1976, and sections 700.021, 700.056, 700.076, 700.090, 700.100, 700.110 and 700.115, RSMo Supp. 1976, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.040, 700.045, 700.050, 700.055, 700.056, 700.060, 700.065, 700.070, 700.076, 700.080, 700.085, 700.090, 700.100, 700.110 and 700.115, to read as follows:

**700.010. Definitions.**—Unless clearly indicated otherwise by the context, the following words and terms when used in sections 700.010 to 700.115, for the purpose of sections 700.010 to 700.115, shall have the following meanings:

(1) "Authorized representative" means any person, firm or corporation, or employee thereof approved or hired by the commission to perform inspection services;

(2) "Code" means the standards relating to mobile homes, recreational vehicles, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(3) "Commission" means the public service commission;

(4) "Dealer" means any person, other than a manufacturer, who sells or offers for sale four or more mobile homes, recreational vehicles, or modular units in any consecutive twelve-month period;

(5) "Manufacturer" means any person who manufactures mobile homes, recreational vehicles, or modular units, including persons who engage in importing mobile homes for resale;

(6) "Mobile home" means a factory built structure or structures more than eight body feet in width and is thirty-two body feet or more in length, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner;

(7) "Modular unit" means a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes;

(8) "Person" means a person, partnership, corporation or other legal entity;

(9) "Premises" means a lot, plot, or parcel of land including the buildings, structures, and mobile homes thereon;

(10) "Recreational vehicle" shall mean a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet, excluding built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms;

(11) "Seal" means a device or insignia issued by the public service commission, consumer services program or its agent to be displayed on the exterior of the mobile home, recreational vehicle, or modular unit to evidence compliance with the code;

(12) "Set up" means the operations performed at the occupancy site which renders a mobile home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

**700.015. Code compliance required, when—seal required—exemptions from code.**—1. No person shall rent, lease, sell or offer for sale any mobile home, recreational vehicle, or modular unit within this state, manufactured after January 1, 1974, unless such mobile home, recreational vehicle, or modular unit complies with the code.

2. After January 1, 1974, no person shall manufacture in this state any mobile home, recreational vehicle, or modular unit for rent, lease or sale which does not comply with the code.

3. No person shall rent, lease, sell or offer for sale to anyone in this state any mobile home or modular unit manufactured after January 1, 1974, unless it bears a seal used by the commission evidencing that the said mobile home or modular unit complies with the code.

4. Unless otherwise required by federal law or regulations, nothing in sections 700.010 to 700.115 shall apply to a mobile home, recreational vehicle, or modular unit being built expressly for export and sold for use solely outside this state.

**700.021. Seals issued to persons, when—manufacturer to certify unit meets code.**—Seals may be issued by the commission when applied for with an affidavit certifying that the person applying will not attach a seal to any mobile home, recreational vehicle, or modular unit that does not meet or exceed the code. Any registered dealer who has acquired a preowned mobile home or modular unit without a seal may apply for a seal with an affidavit certifying that the preowned mobile home or modular unit was brought up to or otherwise meets the requirements of the code. No person may manufacture in this state any mobile home or modular unit unless it bears a seal and certification certifying that the mobile home or modular unit meets or exceeds the code. The certificate as to each mobile home or modular unit shall be displayed in a manner to be prescribed by the commission.

**700.025. Alteration of unit with seal, prohibited when.**—No person shall alter or cause to be altered any mobile home, recreational vehicle, or modular unit to

which a seal has been affixed, if such alteration or conversion causes the mobile home, recreational vehicle, or modular unit to be in violation of the code.

**700.030. Reciprocal recognition of seals, when.**—Upon showing by a registered manufacturer or dealer that another state provides for the sealing of mobile homes, recreational vehicles, or modular units in compliance with standards which are at least equal to those provided in the code and upon determination by the commission that such standards are being adequately enforced, the commission shall provide that a seal affixed under the authority of such state shall have the same effect as a seal affixed under authority of this state. The commission may make any such approval contingent upon such other state granting reciprocal effect to seals affixed under authority of this state and shall maintain a list of such states which shall be available on request.

**700.035. Unit bearing seal not required to comply with certain other codes.**—If a mobile home, recreational vehicle, or modular unit carries a seal as provided in sections 700.010 to 700.115, no agency of this state, nor any municipality or other local governmental body shall require such mobile home, recreational vehicle, or modular unit to comply with any other building, plumbing, heating or electrical code other than the code established by sections 700.010 to 700.115.

**700.040. Duties and powers of commission.**—1. The commission shall, through its own inspection service or through a public or private inspection service acting as its authorized representative, perform sufficient inspections of manufacturing and dealer premises and mobile homes, recreational vehicles, and modular units to insure that the provisions of the code are being complied with. The commission shall approve the designation of any public or private inspection service as an authorized representative. The commission shall establish a comprehensive inspection system, including a determination of the extent to which its own inspectors or authorized representatives are used. The inspections may include all books, records, performance and technical data of a manufacturer related to the subject matter of sections 700.010 to 700.115.

2. The commission shall establish reasonable fees for seals or inspection, or both, which are sufficient to cover all costs incurred in the administration of sections 700.010 to 700.085. Fees for inspections made by private inspection services may be paid directly to the inspection service.

3. The commission may appoint such employees within its department as it may deem necessary for the administration of the provisions of sections 700.010 to 700.115.

4. The commission may issue and promulgate rules and regulations which are necessary to make effective the code provisions and servicing of mobile homes, recreational vehicles and modular units.

5. The commission may remove seals from any mobile home, recreational vehicle or modular unit of any manufacturer in violation of the provisions of section 700.045.

6. Notwithstanding any other provisions of sections 700.010 to 700.115, the commission shall have the authority to enter into any contract or agreement necessary to comply with the statutes and regulations enforced and under the authority of the United States Department of Housing and Urban Development relating to mobile homes, recreational vehicles and modular housing.

7. The commission may require manufacturers and dealers to file reports with the secretary of the United States Department of Housing and Urban

Development as may be required under the provisions of the Mobile Home Construction Act (42 U.S.C. 5402, et seq.).

**700.045. Certain acts declared misdemeanors.**—It shall be a misdemeanor for any person:

(1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any mobile home, recreational vehicle or modular unit after January 1, 1977, unless there is in effect a registration with the commission;

(2) To rent, lease, sell or offer to sell any mobile home, recreational vehicle, or modular unit manufactured January 1, 1974, which does not bear a seal as required by the provisions of sections 700.010 to 700.115;

(3) To affix a seal or cause a seal to be affixed to any mobile home, recreational vehicle, or modular unit which does not comply with the code;

(4) To alter a mobile home, recreational vehicle, or modular unit in a manner prohibited by the provisions of sections 700.010 to 700.115;

(5) To fail to correct a code violation in a mobile home, recreational vehicle, or modular unit owned, manufactured or sold within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission, if the same is manufactured after January 1, 1974; or

(6) To interfere with, obstruct, or hinder any authorized representative of the commission in the performance of his duties.

**700.050. Issuance of seals to manufacturer suspended, when—removal of attached seal, when.**—The issuance of seals to any manufacturer in violation of the provisions of sections 700.010 to 700.115 may be suspended by the commission and no further seals shall be issued to any such manufacturer except upon proof satisfactory to the commission that the conditions which brought about the violation have been remedied. Seals remain the property of the state and may be removed by the commission from any mobile home, recreational vehicle, or modular unit which is in violation of the code.

**700.055. Serial numbers required when, form.**—From and after January 1, 1974, the manufacturer shall cause a serial number to be stamped on the front cross member of the left-hand side so that it may be easily read. It may not contain more than fifteen digits. Any multiple units shall contain the same serial number with letters of the alphabet designating that each is a different separate unit. Starting with "A" each additional unit shall be in alphabetical order. The letters shall be stamped at the end of the numbers.

**700.056. Dealer to provide buyer certain information.**—Every dealer of a mobile home offered for sale in this state shall at the time of sale provide the purchaser with a bill of sale containing at least the following: The total price of the unit and its contents, a list of all furniture and appliances in the mobile home, any other costs which will be assessed to the purchaser such as transportation, handling, or such other costs, and the sales tax payable for such mobile home.

**700.060. Units covered by sections 700.060 to 700.115.**—As used in sections 700.060 through 700.115, the term "mobile home" shall also include units defined in section 700.010 if such units are in two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing and includes two mobile home units joined into a single residential or business unit which are kept

on separate chassis for repeated towing. For the purposes of sections 700.060 through 700.115, a mobile home shall not include a recreational vehicle.

**700.065. Mobile homes to be anchored.**—All mobile homes located in this state shall be anchored and tied down in accordance with the standards promulgated by the commission pursuant to the provisions of sections 700.010 to 700.115.

**700.070. Purchaser to secure mobile homes, when.**—Effective November 27, 1973, all purchasers of mobile homes shall, within thirty days from the date of occupancy, anchor and secure the mobile home in accordance with the standards promulgated by the commission pursuant to the provisions of sections 700.010 to 700.115.

**700.076. Owner to secure mobile home, how, when—commission may promulgate rules—insurers to insure, when, must pay, when—suit against persons anchoring or tying down mobile home, damages, equitable relief.**—1. The owner of a mobile home shall secure the mobile home to the ground by the use of anchors and tiedowns so as to resist wind overturning and sliding. However, nothing herein shall be construed as requiring that anchors and tiedowns be installed to secure mobile homes which are permanently attached to a permanent structure. A permanent structure shall have a foundation and such other structural elements as assure the rigidity and stability of the mobile home.

2. The commission shall have authority to promulgate regulations relating to mobile home or modular unit tiedowns or anchors setting minimum standards for both the manufacture and installation of tiedowns and anchors.

3. (1) Persons licensed in this state to engage in the business of insuring mobile homes that are subject to the provisions of this section against damage from windstorm shall issue such insurance only if the mobile home has been anchored and tied down in accordance with the provisions of this section.

(2) In the event that a mobile home is insured against damage caused by windstorm and subsequently sustains windstorm damage of a nature that indicates that the mobile home was not anchored or tied down in the manner required by this section, the person issuing the policy shall not be relieved from meeting the obligations specified in the insurance policy with respect to such damage on the basis that the mobile home was not properly anchored or tied down.

4. Whenever a person who engages in the business of installing anchors, tiedowns, or over-the-roof ties or who engages in the business of manufacturing such devices for use in this state does so in a manner not in accordance with the minimum standards set forth by the commission, a person aggrieved thereby may bring an action in the appropriate court for actual damages and attorney's fees. In addition, the court may provide appropriate equitable relief including the enjoining of a violator from engaging in further violations. Whenever it is established to the satisfaction of the court that a willful violation has occurred, the court shall award punitive damages to the aggrieved party.

5. Any violation of the provisions of this section shall constitute a violation of the provisions of section 407.020, RSMo.

**700.080. Letter of approval required for tiedown systems—display and copy requirements.**—The commission shall approve or have approved, prior to being sold, being offered for sale or being installed, any anchor or tiedown system designed and intended for mobile homes. Before any such system shall be sold, offered for sale, or installed, a letter of approval from the commission or its

authorized agent approving the particular system or complying with the Missouri standards shall be prominently displayed at each place of business selling, offering for sale, or installing such system, and a copy shall be furnished each person purchasing the anchor or tiedown system.

**700.085. Certain units exempt for sections 700.060 to 700.085.**—The provisions of sections 700.060 through 700.085 do not apply to any mobile home unit being offered for sale and parked temporarily on the sales lot of any person, firm, or corporation regularly selling or offering for sale mobile homes as part of his or its usual business operations.

**70.090. Manufacturers and dealers to register—commission to issue certificate, when—registration to be renewed, when, fee—renewals to be staggered.**—1. Every manufacturer or dealer of mobile homes who sells or offers for sale, on consignment or otherwise, a mobile home, recreational vehicle, or modular unit from or in the state of Missouri shall register with the commission.

2. The commission shall issue a certificate of registration to a manufacturer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the manufacturer;

(b) The address of the manufacturer and addresses of each factory owned operated by the manufacturer, if different from the address of the manufacturer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, and proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for overall operation of the manufacturer;

(2) Files with the commission an initial registration fee of fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri.

3. The commission shall issue a certificate of registration to a dealer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the dealer;

(b) The business address of the dealer and addresses of each separate facility owned and operated by the dealer from which mobile homes, recreational vehicles, or modular units are offered for sale if different from the business address of the dealer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for the overall operations of the manufacturer;

(2) Files with the commission an initial registration fee of fifteen dollars in the form of a cashier's check or money order made payable to the state of Missouri;

(3) Files with the commission proof of compliance with the provisions of section 301.250, RSMo, and section 301.280, RSMo.

5. The registration of any manufacturer or dealer shall be effective for a period of one year and shall be renewed by the commission upon receipt by it from the registered dealer of a renewal fee of twenty dollars for manufacturers and five dollars for dealers and a form provided by the commission upon which

shall be placed any changes from the information requested on the initial registration form.

6. The commission may stagger the renewal of certificates of registration to provide for more equal distribution over the twelve months the number of registration renewals.

**700.100. Refusal to renew, grounds, notification to applicant, contents—complaints may be considered.—**1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of section 700.090 or this section. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.

2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for revocation or suspension of his registration, or the placing of the registered manufacturer or dealer on probation.

3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:

(1) If required, failure to comply with the provisions of section 301.250, RSMo or section 301.280, RSMo;

(2) Failing to be in compliance with the provisions of section 700.090;

(3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;

(4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;

(5) Failing to comply with the provisions of sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);

(6) As a dealer, failing to arrange for the proper initial setup of any new or used mobile home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his authorized agent and an amount equal to the actual cost of the setup is deducted from the total cost of the mobile home or modular unit;

(7) Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his being sold any mobile home, recreational vehicle, or modular unit;

(8) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his being sold any mobile home, recreational vehicle, or modular unit; provided, however, the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;

(9) Engaging in conduct in violation of section 700.045;

(10) Failing to comply with the provisions of section 301.210, RSMo.

**700.110. Converting mobile home to real estate, procedure—notification to county assessor, duties of assessor—assessment as real property prohibits other classification by political subdivisions for certain purposes.—**1. The owner of a mobile home may convert his mobile home to real estate by:

(1) Attaching his mobile home to a permanent foundation; and

(2) The destruction or modification of the vehicular frame rendering it impractical to reconvert the real property thus created to a mobile home; and

(3) If a lien is noted on the certificate of title, tendering to the secured party a deed of trust or mortgage on the real estate upon which the mobile home is to be located in the unpaid amount of the secured debt, and with the same priority as or a higher priority than the secured party's lien, or obtaining written consent of the secured party to the conversion.

2. After complying with the provisions of subsection 1, the owner shall notify the assessor of the county in which the mobile home has been converted to real estate who may inspect the new premises for compliance. If a lien is noted on the certificate of title, the assessor shall require an affidavit from the mobile home owner, declaring that the owner has complied with subsection 1, subdivision (3), of this section, and shall send notice of the proposed conversion to the secured party by regular mail not less than ten days before the conversion becomes effective. When the mobile home is properly converted, the assessor shall then collect the mobile home vehicle title, registration, and license plates from the owner and enter the property upon the tax rolls.

3. The assessment of a mobile home as real estate by the method provided in subsection 1 of this section shall prohibit any political subdivision of this state from declaring or treating that mobile home as other than real property for tax purposes.

**700.115. Violation of sections 700.010 to 700.115 constitute violation of 407.020, RSMo—Attorney General may ask court to revoke registration certificate.**—A violation of the provisions of sections 700.010 to 700.115 shall constitute a violation of the provisions of section 407.020, RSMo. In addition, to the authority vested in the attorney general to enforce the provisions of that section, he may petition the court and the court may enter an order revoking the registration certificate of the defendant or defendants issued pursuant to the provisions of Section 700.090.

Approved May 3, 1978.



## VETOED BILLS

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House Committee Substitute for House Bill Nos. 939 and 1350:

AN ACT to repeal section 536.037, RSMo Supp. 1975, relating to the creation, powers and purpose of a committee on administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

House Bill No. 1156:

AN ACT to repeal section 307.365 RSMo Supp. 1975, relating to inspection fees of motor vehicles and to enact in lieu thereof one new section relating to the same subject.

House Bill No. 1203:

AN ACT to repeal sections 162.725, 162.730, 162.735, 162.740, 162.815, 162.825, 162.840, 162.855 and 162.920, RSMo Supp. 1975 and sections 162.695, 162.700, 162.705, 162.750 and 162.890, RSMo Supp. 1977, relating to special school districts formed for the purposes of educating and training handicapped and severely handicapped children and providing vocational education, and to enact in lieu thereof fourteen new sections relating to the same subject and providing that special school districts may be formed for either or both of such purposes.

House Bill No. 1242:

AN ACT to repeal sections 148.470, 148.510, and 148.530, RSMo 1969, and sections 148.480, 148.490, 148.500 and 148.520 RSMo Supp. 1975, relating to the taxation of savings and loan associations and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for this act and a termination date for certain provisions of this act.

House Bill No. 1603:

AN ACT relating to the expenditure of appropriations as made by the general assembly, with an emergency clause.

Senate Bill No. 624:

AN ACT to repeal section 334.100, RSMo Supp. 1975, relating to refusal, suspension and revocation of licenses for physicians and surgeons, and to enact in lieu thereof one new section relating to the same subject.

Senate Bill No. 690:

AN ACT to repeal section 304.170, RSMo Supp. 1975, relating to regulation of width, height and length of motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Senate Bill No. 814:

AN ACT to repeal section 142.581, RSMo Supp. 1975, relating to refunds on special fuel tax, and to enact in lieu thereof one new section relating to the same subject.

## RESOLUTIONS

### AMENDMENTS TO CONSTITUTION OF MISSOURI

ADOPTED AUGUST 8, 1978

#### FIRST REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[Senate Substitute for Senate Joint Resolution No. 4]

**Amendment No. 1.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Authorizes any county having a population of at least 80,000 according to the 1970 U.S. census to adopt a charter form of government.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 18(a) of article VI of the constitution of Missouri relating to the adoption of county charters and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

**Section 1.** Section 18(a), article VI, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 18(a), to read as follows:

**Section 18(a).** Any county having more than 85,000 inhabitants, according to the census of the United States or any county having a population of at least 80,000 according to the 1970 census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.

Adopted August 8, 1978 (For —473,755; Against—364,335).

Effective September 7, 1978.

#### SECOND REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[House Committee Substitute for House Joint Resolution No. 87]

**Amendment No. 4.**—(Submitted by the Seventy-ninth General Assembly, Second Regular Session) Requires preparation of statement of cost for public inspection, by qualified actuary, as provided by law, before final action may be taken to change substantially any retirement benefits for public officials and employees. No estimate of the cost or savings, if any, to the State can be projected until such time as the General Assembly enacts legislation which would direct the State or various retirement systems to pay for the actuarial report.

**JOINT RESOLUTION** submitting to the voters of Missouri, an amendment to article VII of the constitution of Missouri relating to public officers.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on

Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the voters of this state, for adoption or rejection, the following amendment to article VII of the constitution of the state of Missouri:

Section 1. Article VII, constitution of Missouri, is amended by adding thereto one new section to be known as section 14, to read as follows:

Section 14. The legislative body which stipulates by law the amount and type of retirement benefits to be paid by a retirement plan covering elected or appointed public officials or both, shall, before taking final action of any substantial proposed change in future benefits, cause to be prepared a statement regarding the cost of such change. Such statement of cost shall be prepared by a qualified actuary with experience in retirement plan financing and such statement shall be available for public inspection. The general assembly shall provide by law applicable standards and requirements governing the preparation, content, and disposition of such statements of cost.

Adopted August 8, 1978 (For—451,327; Against—378,231).

Effective September 7, 1978.

## AMENDMENTS TO CONSTITUTION OF MISSOURI ADOPTED NOVEMBER 7, 1978

### FIRST REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[Senate Joint Resolution No. 14]

**Amendment No. 6.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Authorizes counties to issue utility or airport revenue bonds with voter approval; authorizes governing bodies of counties and municipalities to issue industrial development revenue bonds.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to the indebtedness of certain political subdivisions and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

Section 1. Section 27, article VI, constitution of Missouri, is repealed and three new sections adopted in lieu thereof, to be known as sections 27(a), 27(b), and 27(c), to read as follows:

Section 27(a). Any county, city or incorporated town or village in this state, by vote of a majority of the qualified electors thereof voting thereon, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any of the following: (1) revenue producing water, gas or electric light works, heating or power plants; or (2) airports; to be owned exclusively by the county, city or incorporated town or village, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the county, city or incorporated town or village from the operation of the utility or airport.

Section 27(b). Any county, city or incorporated town or village in this state, by a majority vote of the governing body thereof, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any facility to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing, commercial, warehousing and industrial development purposes, including the real estate, buildings, fixtures and machinery. The cost of operation and maintenance and the principal and interest of the bonds shall be payable solely from the revenues derived by the county, city, or incorporated town or village from the lease or other disposal of the facility.

Section 27(c). As used in article VI, sections 27(a) and 27(b), the term "revenue bonds" means bonds neither the interest nor the principal of which is an indebtedness or obligation of the issuing county, city or incorporated town or village.

Adopted November 7, 1978 (For—695,380; Against—612,717).

Effective December 7, 1978.

[House Joint Resolution No. 21]

**Amendment No. 7.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Permits officers established by contract between municipalities or political subdivisions to issue revenue bonds for utility, industrial and airport purposes when authorized by voters.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to revenue bonds for utility, industrial and airport purposes and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VI of the constitution of the state of Missouri:

Section 1. Section 27, article VI, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 27, to read as follows:

Section 27. Any city or incorporated town or village in this state, by vote of a majority of the qualified electors thereof voting thereon, and any joint board, commission, officer or officers established by a joint contract between municipalities or political subdivisions in this state, by vote of a majority of the qualified electors voting thereon in each of the municipalities or political subdivisions, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, construction, extending or improving any of the following: (1) revenue producing water, gas or electric light works, heating or power plants; (2) plants to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing and industrial development purposes, including the real estate, buildings, fixtures and machinery; or (3) airports; to be owned by the municipality or by the cooperating municipalities or political subdivisions, either exclusively or jointly or by participation with cooperatives, municipally owned or public utilities, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality or by the cooperating municipalities or political subdivisions from the operation of the utility or the lease of the plant. No such joint board, commission, officer or officers established by a joint contract, or any joint venture or cooperative action or undertaking of any kind or character shall purchase, construct, extend or improve any revenue producing water, gas or electric light works, heating or power plants unless and until such joint boards, commissions, officer or officers, or any joint venture or cooperative action and all utility operations conducted by any joint board, commission, officer or officers are fully regulated in all respects as a public utility.

Approved by voters November 8, 1978 (For—705,238; Against—612,765) but does not become effective because H.J.R. No. 21 (Amendment No. 7) dealing with the same section (Art. VI, Sec. 27) was also approved and received a larger affirmative vote.

[House Joint Resolution No. 8]

**Amendment No. 8.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Defines lottery to permit games of chance where nothing of value is exchanged for opportunity to participate or receive prize.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the constitution of Missouri relating to limitations on the power of the general assembly and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the constitution of the state of Missouri:

Section 1. Section 39, article III, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39, to read as follows:

Section 39. The general assembly shall not have power:

(1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;

(2) To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;

(3) To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;

(4) To pay or to authorize the payment of any claim against the state under any agreement or contract made without express authority of law;

(5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;

(6) To make any appropriation of money for the payment, or on account of or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the government of the United States to this state;

(7) To act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by special message to the general assembly after the convening of an extra session;

(8) To remove the seat of government from the City of Jefferson;

(9) To authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit citizens of this state from participating in games or contests of skill or chance where no consideration is required to be given for the privilege or opportunity of participating or for receiving the award or prize and the term "lottery or gift enterprise" shall mean

only those games or contests whereby money or something of value is exchanged directly for the ticket or chance to participate in the game or contest. The general assembly may, by law, provide standards and conditions to regulate or guarantee the awarding of prizes provided for in such games or contests under the provision of this subdivision.

(10) To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision.

Adopted November 7, 1978 (For--1,012,061; Against--379,677).

Effective December 7, 1978.

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## SECOND REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[Senate Joint Resolution No. 31]

**Amendment No. 9.**—(Submitted by the Seventy-ninth General Assembly, Second Regular Session) Authorizes earlier time for canvass of votes by Board of State Canvassers following each general election. It is estimated that there would be no additional cost or savings to the State if this amendment is adopted.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing Section 18 of Article IV of the constitution of Missouri relating to election returns and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article IV of the constitution of Missouri:

Section 1. Section 18, Article IV, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 18, to read as follows:

Section 18. The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state before, the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election. The persons having the highest number of votes for the respective offices shall be declared elected, and if two or more persons have an equal and the highest number of votes for the same office, at its next regular session the general assembly, by joint vote and without delay, shall choose one of such persons for the office.

Adopted November 7, 1978 (For--775,781; Against--503,536).

Effective December 7, 1978.

[House Joint Resolution No. 67]

**Amendment No. 10.**—(Submitted by the Seventy-ninth General Assembly, Second Regular Session) Voters may authorize counties to levy additional tax for road and bridge purposes, and the legislature may provide by law that taxes for road and bridge purposes shall be reduced. It is estimated that there would be no additional cost or savings to the State if this amendment is adopted.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 12(a) of article X of the constitution of Missouri relating to tax rates for county roads and bridges and for roads and bridges in road districts and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1980, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article X of the constitution of the state of Missouri:

Section 1. Section 12(a), article X, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 12(a), to read as follows:

Section 12(a). In addition to the rates authorized in section II for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties under township organization, and the proper administrative body in counties adopting an alternative form of government, may levy an additional tax, not exceeding fifty cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes; provided that, before any such county may increase its tax levy for road and bridge purposes above thirty-five cents it must submit such increase to the qualified voters of that county at a general or special election and receive the approval of a majority of the voters voting on such increase. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when so authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law provided that the general assembly may require by law that the rates authorized herein may be reduced.

Adopted November 7, 1978 (For—660,089; Against—645,948).

Effective December 7, 1978.

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[Conference Committee Substitute for Senate Joint Resolution No. 37]

**Amendment No. 22.**—(Submitted by the Seventy-ninth General Assembly, Second Regular Session) Authorizes General Assembly to enact laws to require local governments to reduce rates of levy for taxes which may be im-



posed. It is estimated that there would be no additional cost or savings to the State if this amendment is adopted.

**JOINT RESOLUTIONS** submitting to the qualified voters of Missouri, an amendment to Article X of the constitution of Missouri relating to taxation by adding one new section relating to limitations on tax levies.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article X of the constitution of the state of Missouri:

Section 1. Article X of the constitution of Missouri, is amended by adding one new section thereto, to be known as section 10 (c), to read as follows:

Section 10 (c). The general assembly may require by law that political subdivisions reduce the rate of levy of all property taxes the subdivisions impose whether the rate of levy is authorized by this constitution or by law. The general assembly may by law establish the method of increasing reduced rates of levy in subsequent years.

Adopted November 7, 1978 (For—870,606; Against—437,017).

Effective December 7, 1978.

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## AMENDMENTS TO CONSTITUTION OF MISSOURI REJECTED AUGUST 8, 1978

### FIRST REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[Senate Joint Resolution No. 19]

**Amendment No. 2.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Changes State Treasurer's duties concerning investment of state funds and authorizes legislature to require treasurer to perform other duties.

Rejected August 8, 1978 (For—295,849; Against—585,052).

For text see page 734, Laws of Missouri, 1977.

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[Senate Joint Resolution No. 18]

**Amendment No. 3.**—(Submitted by the Seventy-ninth General Assembly, First Regular Session) Provides that redistricting of state senatorial and representative districts now performed by Supreme Court Commissioners shall be performed by an appointed Commission of Appellate Judges.

Rejected August 8, 1978 (For—333,911; Against—490,684).

For text see page 731, Laws of Missouri, 1977.

## AMENDMENTS TO CONSTITUTION OF MISSOURI REJECTED NOVEMBER 7, 1978

### SECOND REGULAR SESSION, SEVENTY-NINTH GENERAL ASSEMBLY

[Senate Joint Resolution No. 35]

**Amendment No. 21.**—(Submitted by the Seventy-ninth General Assembly, Second Regular Session) Funds from Conservation Commission's one-eighth cent sales tax shall be used for payments in lieu of taxes to local governments on Commission lands acquired after July 1, 1977, and forest cropland, as provided by law. Payments from the Conservation Commission fund will be required, however, the dollar amount will be contingent upon the legislation enacted by the General Assembly and the amount of acreage acquired by the Commission after July 1, 1977.

**JOINT RESOLUTION** submitting to the qualified voters of Missouri, an amendment repealing section 43 (b) of article IV of the constitution of Missouri relating to the use of revenue and funds of the conservation commission and adopting one new section in lieu thereof relating to the same subject.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1978, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article IV of the constitution of the state of Missouri:

Section 1. Section 43(b), article IV, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 43(b), to read as follows:

**Section 43 (b).** The moneys arising from the additional sales and use taxes provided for in section 43(a) hereof and all fees, moneys or funds arising from the operation and transactions of the conservation commission, department of conservation, and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the conservation commission, department of conservation, for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose. The moneys and funds of the conservation commission arising from the additional sales and use taxes provided for in 43(a) hereof shall also be used as provided by law to make payments to counties for distribution to the appropriate political subdivisions in lieu of real property taxes for all real property acquired by the commission after July 1, 1977 and for all real property classified as forest cropland in the forest cropland program administered by the department of conservation.

Rejected November 7, 1978 (For—588,622; Against—700,301).

**EFFECTIVE DATE AND PAGE NUMBER OF LAWS PASSED BY  
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